

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 27794 of 2015 (Y)

PETITIONER :

**LASER, AGED 55 YEARS,
S/O. MATHEWKIDANGEDATHU(H), KIZMAD KARA,
ALUVA EAST VILLAGE, ALUVA TALUK, ERNAKULAM DISTRICT**

**BY ADVS.SRI.SREELAL N.WARRIER
SMT.SADHANA KUMARI ESWARI**

RESPONDENTS :

- 1. ORIENTAL BANK OF COMMERCE,
MARKET ROAD BRANCH, OPP. BASILICA CHURCH,
ERNAKULAM REORESENTED BY ITS BRANCH MANAGER**
- 2. C.P. ABDUL NIZAR,
EXCELLENT TRADING COMPANY, NEAR YMCA
RETD JUSTICE FATHIMA BEEVI BUILDING, 1ST FLOOR
CHITTOOR ROAD, ERNAKULAM-35**
- 3. AUTHORISED OFFICER
ORIENTAL BANK OF COMMERCE, MARKET ROAD BRANCH
OPP. BASILICA CHURCH, ERNAKULAM**

BY SRI.SAJI P JOSEPH, SC, ORIENTAL BANK OF COMMERCE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE POSSESSION NOTICE DT. 14/2/13 BEARING NO. CN 1055/L/13.
- EXT.P2: TRUE COPY OF THE ABOVE NOTIFICATION MADE BY THE 1ST RESPONDENT ON 14/2/13 IN KERALA KAUMDI DAILY.
- EXT.P3: JUDGMENT DT. 27/6/13 IN WPX 9751/13.
- EXT.P4: NOTICE OF SALE NOTICE DT. 25/2/14.
- EXT.P5: TRUE COPY OF THE MALAYALAM DAILY MTHRUBHOOMI DT. 5/3/14.
- EXT.P6: TRUE COPY OF THE MALAYALAM DAILY THE MALAYALA MANORAM' DT. 7/4/13.
- EXT.P7: TRUE COPY OF THE NOTICE ISSUED BY AN ADVOCATE COMMISSIONER TO THE BANK

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.27794 of 2015

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner who stood surety to a loan availed by the 2nd respondent is aggrieved by the steps taken by the respondent bank to take possession of the secured asset, which is the residential premises of the petitioner. When the matter came up today, it is pointed out by the counsel for the respondent that, S.A.No159 of 2014, which is filed by the petitioner before the Debt Recovery Tribunal is now posted for hearing before the Debt Recovery Tribunal. Taking note of the said submission, as also the contentions advanced before me by counsel for the petitioner, I feel that the interests of justice would be served by directing the Debt Recovery Tribunal to finally dispose S.A.No159 of 2014, after hearing the petitioner and the respondent bank, within one month from today. The interests of the petitioner in the meanwhile can be protected by maintaining the stay order already passed by this Court in the present writ petition. Accordingly, I dispose the writ petition with a direction to the Debt Recovery Tribunal, Ernakulam to consider and pass orders on S.A.No.159 of 2014 within a period of one month from today, after hearing the petitioner and the respondent bank. The interim order, of stay of all further proceedings pursuant to Ext.P7 restraining the respondents from taking physical possession of the petitioners residential house, that

was granted by this Court shall continue to be in force till the Debt Recovery Tribunal passes orders as directed.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns