

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 32596 of 2009 (T)

PETITIONERS :

1. BALRAJ.P.O., S/O. PADMANABHAN NAIR,
AGED 44 YEARS, 'AISWARYA' THODUVATTY.P.O,
PUTHENKUNNU, SULTHAN BATTERI-673593.
2. BINDU BALRAJ, AGED 39 YEARS,
W/O. BALRAJ 'AISWARYA', THODUVATTY.P.O.,
PUTHENKUNNU, SULTAN BATTERI - 673593.

BY ADVS.SRI.C.G.SUNIL
SRI.SAJI MATHEW
SRI.DENU JOSEPH
SRI.JUFIN GEORGE VALOORAN

RESPONDENTS :

1. THE AUTHORISED OFFICER,
UNDER THE SARFAESI ACT M/S. SOUTH INDIAN BANK LTD.
REGIONAL OFFICE KOZHIKODE P.B.NO.933,
CHACKORATHKULAM, WEST HILL P.O., KOZHIKODE-673005.
2. M/S. SOUTH INDIAN BANK LTD.,
PULPALLY BRANCH, PULPALLY SULTHAN BATHERI VIA,
WAYANAD DISTRICT.
3. SRI. P.K. GOPIKUTTAN NAIR, PROPRIETOR,
M/S.P.K.G.TRADERS, PUTHIYAPADICKAL HOUSE,
PULPALLY, WAYANAD DISTRICT.
4. SRI. M.C. BABU, S/O. SRI CHACKO,
MORUKUNMNEL HOUSE, MARAKADAVU.P.O., WAYANAD DISTRICT.

R1 & R2 BY ADV. SRI.GEORGE VARGHESE,SC,SOUTH INDIAN BANK
BY ADV. SRI.P.R.MILTON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE STAY ORDER PASSED BY THE DRT IN IA NO. 250/09 IN APPEAL 8/09.**
- P2: COPY OF THE PURCHASE CERTIFICATE NO. 6284/1977 ISSUED BY THE LAND TRIBUNAL KALPETTA.**
- P3: COPY OF THE CERTIFIED COPY OF THE SETTLEMENT DEED NO. 1238/79 OF SULTHAN BATHERY SRO.**
- P4: COPY OF THE SALE DEED NO. 290/05 OF SULTHAN BATHERY SRO.**
- P5: COPY OF THE SALE DEED NO. 1971/05 OF SULTHYAN BATHERY SRO.**
- P6: COPY OF THE ENECUMBRANCE CERTIFICATE NO. 561/05 DT 15-02-05 ISSUED BY THE SULTHAN BATHERY SRO.**
- P7: COPY F THE ENCUMBRANCE CERTIFICATE NO., 2624/05 DT 24/11/2005 ISSUED BY SULTHAN BATHERY SRO.**
- P8: COPY OF THE LAND TAX RECEIPT DT 21/3/2006 ISSUED BY THE PADICHIRA VILLAGE OFFICE IN THE NAME.**
- P9: COPY OF THE POSSESSION CERTIFICATE NO. 353/06 ISSUED BY THE VILLAGE OFFICER PADICHIRA.**
- P10: COPY OF THE FINAL ORDER IN OA NO. 265/02 PASSED BY THE DRT.**
- P11: COPY OF THE IA 394/2007 FILED BY THE PETITIONER.**
- P12: COPY OF THE COUNTER AFFIDAVIT FILED BY THE RESPONDENT.**
- P13: COPY OF THE CERTIFIED COPY OF SETTLEMENT DEED NO. 1671/1993 OF SRO PULPALLY.**
- P14: COPY OF THE BASIC TAX RECEIPT ISSUED BY THE VILLAGE OFFICER PADICHIRA IN FAVOUR OF THE PETITIONERS.**
- P15: COPY OF THE POSSESSION CERTIFICATE NO. 1442/08 DT 3/11/2008 IN FAVOUR OF THE PETITIONERS.**
- P16: COPY OF THE ENCUMBRANCE CERTIFICATE NO. 2037/08 DT 22/10/08.**
- P17: COPY OF THE ORDER PASSED BY THE RECOVERY OFFICER ON IA 394/07.**
- P18: COPY OF THE MEMORANDUM OF APPEAL 8/09 FILED BY THE PETITIONER BEFORE THE DRT.**
- P19: COPY OF THE NOTICE UNDER SECTION 13(2) OF THE SARFAESI ACT ISSUED BY THE RESPONDENT NO. 1 MENTIONING THE PROPERTY OF THE PETITIONER IN THE SCHEDULE.**
- P20: COPY OF THE NOTICE BEARING NO. CL.T.R.O/SEC/179/2009-10 DT 6/10/09 ISSUED BY THE RESPONDENT NO. 1 ADDRESSED TO RESPONDENTS 3 & 4.**

RESPONDENT'S EXHIBITS :

NIL.

//TRUE COPY//

P.A. TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.32596 of 2009

Dated this the 27th day of May, 2015

JUDGMENT

Learned counsel for the petitioners seeks permission to withdraw this writ petition with liberty. Permission is granted.

Accordingly, the writ petition is dismissed as withdrawn with liberty.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In

/True copy/

P.A. to Judge