

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 28380 of 2015 (V)

PETITIONER(S):

**SHIBU ISSAC, AGED 38 YEARS,
S/O.MV.ISSAC, MEKKATTU HOUSE, V.K.COLONY P.O,
THENGODE KARA, KAKKANAD VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT, PIN 682021.**

**BY ADVS.SMT.P.P.STELLA
SRI.BIJIMON C.CHERIAN**

RESPONDENT(S):

**1. M/S.PUNJAB NATIONAL BANK LTD,
NO.7, BIKAJAI CAMA PLACE, AFRICA AVENUE,
NEW DELHI, PIN 110066, REPRESENTED BY ITS CIRCLE HEAD,
PUNJAB NATIONAL BANK, II, FLOOR 40/1461,
MARKET ROAD, ERNAKULAM, PIN 682301.**

**2. M/S.PUBJAB NATIONAL BANK,
TRIPUNITHURA BRANCH, WEST LAYAM ROAD, TRIPUNITHURA,
ERNAKULAM DISTRICT, PIN 682301,
REPRESENTED BY ITS SENIOR MANAGER.**

**BY ADVS. SRI.C.AJITH KUMAR
SRI.SANTHEEP ANKARATH, SC,**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE HOUSING LOAN AGREEMENT DATED 23.09.2006
EXECUTED BY PETITIONER IN FAVOUR OF 2ND RESPONDENT
- P2: TRUE COPY OF STATEMENT OF ACCOUNT ISSUED TO THE PETITIONER
DT.9/8/14
- P3: TRUE COPY OF THE RELEVANT PAGE OF THE STATEMENT OF ACCOUNT
ISSUED BY THE 2ND RESPONDENT DT.12/8/14
- P4: PRINT OUT OF THE ORIGINAL MAIL RECEIVED BY THE PETITIONER FROM
BSNL AND THE RELEVANT PAGE OF THE ATTACHED CALL DETAILS OF HIS
MOBILE DT.18/2/15
- P5: TRUE COPY OF THE FIR NO.499/2014 OF HILL PALACE STATION
THRIPUNITHURA FILED AGAINST THE PETITIONER 7/3/14
- P6: TRUE COPY OF THE COMMON ORDER IN BAIL APPL.NOS. 1841/2014 AND
1843/2014 OF HON'BLE HIGH COURT OF KERALA 18/3/14
- P7: TRUE COPY OF THE LETTER DATED 25.03.2014 AND THE POSTAL RECEIPT
ISSUED BY THE PETITIONER
- P8: TRUE COPY OF THE INJUNCTION ORDER DATED 28.08.2014 IN IA.NO.3677/2014
IN OS.NO.203/2014 OF 2ND ADDITIONAL SUB COURT ERNAKULAM
- P9: TRUE COPY OF THE JUDGMENT IN WPC.NO.21195/2014 AND 21196/2014 OF
THE HON'BLE HIGH COURT OF KERALA DT.20/8/14
- P10: TRUE COPY OF THE STAY ORDER DATED 07.11.2014 IN IA.NOS.2330/2014
&2534/2014 IN SA.348/2014 OF THE DEBT RECOVERY TRIBUNAL
- P11: TRUE COPY OF THE WRITTEN STATEMENT WITH COUNTER CLAIM FILED BY
THE PETITIONER IN OA.NO.516/2014 OF DEBT RECOVERY TRIBUNAL,
ERNAKULAM 16/3/15
- P12: TRUE COPY OF THE ORDER DATED 19.06.2015 IN SA.NO.244/2015 OF DEBT
RECOVERY TRIBUNAL, ERNAKULAM 19/6/15
- P13: TRUE COPY OF THE CMP.NO.3063/2015 FILED BY THE 2ND RESPONDENT
BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM DT.25/7/14
- P14: TRUE COPY OF THE SALE NOTICE DATED 13.08.2015 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

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P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 28380 of 2015

Dated this the 12th day of October, 2015

JUDGMENT

The petitioner had moved this Court through the present writ petition at a time when respondent bank was initiating proceedings against the property of the petitioner, even before the petitioner could approach the Debt Recovery Tribunal, through a Securitisation Application. When the matter came up for orders on 05.10.2015, this Court, taking note of the fact that an amount of Rs.6,12,000/-, that was directed to be paid by this Court in the earlier order 18.09.2015, had already been paid to the respondent bank, adjourned the matter till today, so as to enable the petitioner to approach the Debt Recovery Tribunal through a Securitisation Application. The interim order granted on 18.09.2015 was also extended till today. Today, it is submitted by the learned counsel for the petitioner that the petitioner has moved the Debt Recovery Tribunal through a Securitisation Application as also an application for stay. Taking note of the said submission, I close the writ petition, by relegating the petitioner to his alternate remedy before the Debt Recovery Tribunal, for redressal of his grievance.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE