

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

W.P. (C) .No. 28479 of 2015 (H)

PETITIONER :

MATHEW M. VAZHATHARA,
AGED 58 YEARS,
S/O. LATE A.V. MATHEW,
VAZHATHARA HOUSE,
UDAYAMPEROOR-682 307.

BY ADVS.SRI.B.ASHOK SHENOY
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR
SRI.P.S.GIREESH
SRI.RIYAL DEVASSY

RESPONDENT :

STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS ASSISTANT GENERAL MANAGER,
ASSET RECOVERY MANAGEMENT BRANCH,
SBT BHAVAN,
PANAMPILLY NAGAR,
ERNAKULAM.-682 036.

R BY SRI.SANTHOSH MATHEW,SC, STATE BANK OF TRAVANCORE
BY SRI.SATHISH NINAN,SC, STATE BANK OF TRAVANCORE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

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- EXT.P1 TRUE COPY OF NOTICE OF DEMAND - DRC NO.4121/SBT/EKM DATED 19.11.2014 ISSUED TO PETITIONER BY THE RECOVERY OFFICER, DEBTS RECOVERY TRIBUNAL (KERALA & LAKSHADWEEP) , ERNAKULAM.
- EXT.P2 TRUE COPY OF LETTER NO.DGM/EKM/ARMB DATED 21.07.2015 ISSUED BY RESPONDENT.
- EXT.P3 TRUE COPY OF LETTER DATED 24.07.2015 SUBMITTED TO RESPONDENT BY PETITIONER.
- EXT.P4 TRUE COPY OF BANKER'S PAY ORDER NO.5670 DATED 17.07.2015 DRAWB ON PEOPLE'S URBAN CO-OPERATIVE BANK LTD. , MULANTHURUTHY , SUBMITTED BY PETITIONER TO RESPONDENT ALONGWITH EXHIBIT P3 LETTER.
- EXT.P5 TRUE COPY OF POSTAL ACKNOWLEDGEMENT DATED 25.07.2014 SIGNED BY RESPONDENT.
- EXT.P6 TRUE COPY OF LETTER NO.DGM/SM/ARMB/61 DATED 25.07.2015 ISSUED TO PETITIONER BY RESPONDENT.
- EXT.P7 TRUE COPY OF LETTER DATED NIL SUBMITTED BY PETITIONER TO THE RESPONDENT ON 27.08.2015.
- EXT.P8 TRUE COPY OF LETTER NO.DGM/SM/ARMB/76 DATED 31.08.2015 ISSUED BY RESPONDENT TO PETITIONER.
- EXT.P9 TRUE COPY OF THE BANK PASS BOOK - GENERAL NUMBER 58145 DATED 12.08.2014 ISSEUED BY PEOPLES URBAN CO-OPERATIVE BANK LTD. NO.51 TO PETITIONER.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.28479 OF 2015 (H)

Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner, who is one of the Certificate Debtors in Recovery Certificate No.4121 dated 16.10.2014 issued by the Debts Recovery Tribunal, Ernakulam in favour of the respondent bank, is aggrieved by the action of the respondent bank in allegedly reneging on an assurance for One Time Settlement of the dues of the petitioner to the respondent bank. When the matter was taken up for admission, it was pointed out by the learned Standing Counsel for the respondent bank that, praying for the same relief, the petitioner has already preferred I.A. No1973/2015 in OA No.630/1998, that is pending before the Debt Recovery Tribunal. Taking note of the said submission of counsel for the respondent bank, I accept the prayer of counsel for the petitioner for withdrawal of the writ petition, without prejudice to the right of the petitioner to pursue the reliefs sought for in I.A.No.1973/2015 in O.A No.630/1998 pending before the Debts Recovery Tribunal, Ernakulam. The Writ petition is therefore dismissed as withdrawn without prejudice to the right of the petitioner reserved above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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