

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 30250 of 2015 (E)

PETITIONER:

**K.H.FAROOQUE, S/O.K.M.HABEEB,
AGED 30 YEARS, RESIDING AT SHAZIA MANZIL,
ASHOK ROAD NORTH END, ELAMAKKARA P.O.,
EDAPPALLI SOUTH VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.**

**BY ADVS.SRIP.S.SUJETH
SMT.M.R.REENA**

RESPONDENT(S):

- 1. THE AUTHORIZED OFFICER,
REPCO HOME FINANCE LTD., 3RD FLOOR,
ALEXANDER SQUARE, NEW NO.2,
(OLD NO.34 & 35), SARDAR PATEL ROAD,
GUINDY, CHENNAI-600032.**
- 2. THE BRANCH MANAGER,
REPCO HOME FINANCE LTD., NO.41/4057A,
CHALAKKEL HOUSE, GROUND FLOOR,
OLD RAILWAY STATION ROAD,
ERNAKULAM DISTRICT, KOCHI-682018.**

BY ADV.SRI.K.P.SUJESH KUMAR, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 30250 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1: TRUE COPY OF POSSESSION NOTICE U/S 13(4) DATED 28.07.2015,
BY THE AUTHORIZED OFFICER.**

**EXHIBIT-P2: TRUE COPY OF THE ORDER PASSED BY THE HON'BLE DEBTS
RECOVERY TRIBUNAL, ERNAKULAM IN S.A.NO.306/15
DATED 07.08.2015.**

**EXHIBIT-P3: TRUE COPY OF THE APPEAL MEMORANDUM FILED UNDER
AIR.683/2015 ALONG WITH STAY PETITION AND WAIVER PETITION,
FILED BEFORE THE DRAT, CHENNAI DATED 07.09.2015.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.30250 of 2015
.....
Dated this the 14th day of October, 2015

J U D G M E N T

The petitioner, who was aggrieved by Ext.P2 order of the Debt Recovery Tribunal, Ernakulam, to the extent it directed the petitioner to pay a sum of Rs.10 lakhs on or before 31.08.2015, as a condition for stay of recovery proceedings initiated against the petitioner by the respondent company, preferred an appeal together with a stay petition before the Debt Recovery Appellate Tribunal, Chennai. It is stated that notice has been issued to the respondents in the appeal and stay petition, and the petitioner is proposing to move the stay petition before the appellate authority shortly. The grievance in the writ petition is essentially that in the meanwhile, the respondent company is taking further steps for recovery against the petitioner after noting that the petitioner did not comply with the conditions in Ext.P2 order.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent company.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar and with a view to protect the interest of the petitioner till such time as he has had an opportunity to move the stay petition before the appellate Tribunal,

I dispose the writ petition by granting a stay of recovery proceedings against the petitioner, by the respondents, for a period of one month, so that the petitioner can move the appellate authority for appropriate orders in the meanwhile.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/14.10.15