

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 32072 of 2015 (H)

PETITIONER :

**SRI.MAHALAKSHMI EDUCATIONAL
SCIENTIFIC & CHARITABLE TRUST,
(REGN.NO.P515/2002 DATED 04/09/2002) HAVING ITS OFFICE ARCHANA
HOSPITAL COMPLEX, MC ROAD, PANDALAM,
PATHANAMTHITTA DISTRICT, REPRESENTED BY ITS PRESIDENT,
S.RAMACHANDRA KURUP, RESIDING AT KRISHNAKRIPA,
KADAKKAD, PANDALAM P.O., PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S):

- 1. THE STATE BANK OF INDIA,
MUTHALAMADA BRANCH,
REPRESENTED BY ITS BRANCH MANAGER, MUTHALAMADA,
KAMBRATHUCHALLA, PALAKKAD DISTRICT-678 507.**
- 2. THE AUTHORISED OFFICER,
STATE BANK OF INDIA, REGIONAL BUSINESS OFFICE,
DOOR NO.11919-2, 1ST FLOOR, ROBINSON RD,
PALAKKAD, KERALA-678 014.**
- 3. KOLLENGODE EDUCATIONAL & CHARITABLE TRUST,
KOLLENGODE, (REPRESENTED BY ITS CHAIRMAN),
REGISTERED OFFICE AT 2/408, KOLLENGODE P.O.,
PALAKKAD-678 506.**
- 4. K.UNNIKRISHNAN, AGED 56 YEARS,
S/O. K.KUNCHU, CHAIRMAN,
KOLLENGODE EDUCATIONAL & CHARITABLE TRUST,
KOLLENGODE, RESIDING AT KOUSTHUBHAM, KATTUKODE,
VADAKKENCHERRY P.O., PALAKKAD-678 683.**
- 5. DR. O.K.SREEDHARAN, AGED 67 YEARS,
S/O. KUNCHAYYAPPAN, FORMER CHAIRMAN,
KOLLENGODE EDUCATIONAL & CHARITABLE TRUST,
KOLLENGODE, RESIDING AT KRISHNATILAKAM, OLD BAZAR,
KOLLENGODE P.O., PALAKKAD DISTRICT-678 506.**

WP(C).NO.32072/2015

6. MOHAN KUMAR M.K.,
GURUVARAM, KAITHOTTAM, MOOLAMGODE,
PALAKKAD DISTRICT-678 684.

R1 & R2 BY ADV. SRI.TOM K.THOMAS
SRI.R.S.KALKURA, SC, SBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 32072 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF AGREEMENT DTD. 30.11.2012 EXECUTED BETWEEN PETITIONER AND THIRD RESPONDENT.**
- P2 : COPY OF PLAINT IN OS NO.127/2014 ON THE FILE OF THE SUBORDINATE COURT-II, ERNAKULAM.**
- P3 : COPY OF ATTACHMENT BEFORE JUDGMENT ORDER TO CALL FOR SECURITY FOR FULFILMENT OF THE DECREE DTD. 7.6.2014 IN IA NO.2147/2014 IN OS NO.127/2014 OF THE SUBORDINATE COURT-II, ERNAKULAM.**
- P4 : COPY OF ATTACHMENT SCHEDULE OF PROPERTIES PRODUCED IN IA NO.2147/2014 IN OS NO.127/2014 OF THE SUBORDINATE COURT-II, ERNAKULAM.**
- P5 : COPY OF E-AUCTION SALE NOTICE ISSUED BY THE FIRST RESPONDENT BANK.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No. 32072 of 2015

Dated this the 18th day of November 2015

JUDGMENT

It is submitted by counsel for the respondent bank that the sale that was scheduled as per Ext.P5 e-auction notice did not take place, and therefore, a fresh sale notice has been published by the respondents. Taking note of the said submission of counsel for the respondent bank, I am of the view that the grievance of the petitioner in this writ petition has been redressed. I, therefore, close this writ petition, without prejudice to the right of the petitioner to challenge the fresh sale notice, that has been published by the respondent bank, if he is aggrieved by the same.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/