

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 32785 of 2015 (W)

PETITIONER(S):

1. SUBRAMANIAN, S/O.MOORTHY,
ANNATHODU HOUSE, CHIRAKUNNU P.O.,
MULAMKUNNATHUKAVU, THRISSUR- 680 601.
2. JOMY JOSE, S/O.JOSE,
OLAKKENGIL HOUSE, VELUR P.O.,
THRISSUR DISTRICT.PIN- 680 601.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT(S):

1. THE PUNJAB NATIONAL BANK,
KURUPPAM ROAD, THRISSUR- 680 001,
REPRESENTED BY ITS CHIEF MANAGER.
2. THE CIRCLE HEAD,
PUNJAB NATIONAL BANK CIRCLE OFFICE,
ZONAL OFFICE, ERNAKULAM- 682 011.
3. THE AUTHORISED OFFICER/CHIEF MANAGER,
THE PUNJAB NATIONAL BANK, KURUPPAM ROAD,
THRISSUR- 680 001.

**BY SRI.SANTHEEP ANKARATH, SC, PUNJAB NATIONAL BANK
ADV. SRI.C.AJITH KUMAR,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE NOTICE ISSUED UNDER SECTION 13(2) OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 DATED 10.1.2015.
- EXHIBIT P2. COPY OF THE LETTER ISSUED BY THE RESPONDENT BANK DATED 9.2.2015.
- EXHIBIT P3. COPY OF THE POSSESSION NOTICE ISUED UNDER SECTION 13(4) OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 DATED 9.4.15.
- EXHIBIT P4. COPY OF THE LETTER ISSUED BY THE RESPONDENT BANK DATED 18.9.15.
- EXHIBIT P5. COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT DATED 5.10.15.
- EXHIBIT P6. COPY OF THE ORDER IN SA.NO.255/2015 PASSED BY THE DEBT RECOVERY TRIBUNAL, ERNAKULAM DATED 15.10.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.32785 of 2015

Dated this the 25th day of November 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent bank and defaulted in repayment of the same is aggrieved by the steps taken by the respondent bank to sell the secured assets. Ext.P4 is the sale notice issued by the respondent bank. In the writ petition Ext.P4 is impugned. When the matter was taken for orders today, it is submitted by standing counsel for the respondent bank that the sale that was proposed in Ext.P4 notice, did not go through and hence, the respondent would have to issue a fresh sale notice before proceeding further in the matter. Taking note of the said submission of standing counsel for the respondent bank, I am of the view that the present grievance of the petitioner in the writ petition has been redressed. I therefore close the writ petition, leaving it open to the petitioner to challenge the fresh sale notice, as and when published, if he is aggrieved thereby. The statement of counsel of the respondent bank that before pursuing steps for sale of the property, due notice of the same will be published, is recorded.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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