

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 33418 of 2015 (B)

PETITIONER(S) :

- 1. M/S. SILPA RUBBER TRADERS
REPRESENTED BY ITS PROPRIETOR, T.K.SOMAN, S/O.KESAVAN
KRISHNANJALY HOUSE, ADAYAMON P.O., (VIA) THATTATHUMALA
PAZHAYAKUNNUMMEL VILLAGE, THIRUVANANTHAPURAM DISTRICT.**
- 2. T.K.SOMAN
S/O.KESAVAN, KRISHNANJALY HOUSE, ADAYAMON P.O.,
(VIA) THATTATHUMALA, PAZHAYAKUNNUMMEL VILLAGE
THIRUVANANTHAPURAM DISTRICT.**
- 3. PUSHPA KUMARI
W/O.T.K.SOMAN, KRISHNANJALY HOUSE, ADAYAMON P.O.,
(VIA) THATTATHUMALA, PAZHAYAKUNNUMMEL VILLAGE
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH
SMT.MEERA GOPINATH**

RESPONDENT(S) :

- 1. THE HDFC BANK LTD.,
KAMALA MILLS COMPOUND, SENAPATI, BAPAT MARG
LOWER PAREL, MUMBAI - 400 013
REPRESENTED BY ITS CHIEF MANAGER (AUTHORISED OFFICER)**
- 2. THE HDFC BANK LTD.,
REPRESENTED BY ITS MANAGER, BRANCH OFFICE
NEAR TRANSPORT OFFICE, ATTINGAL- 695 101.**

R1 & R2 BY ADV. SRI.T.RAJESH, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 33418 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. COPY OF THE NOTICE DATED 19.10.15 ISSUED BY THE IST
RESPONDENT TO THE PETITIONERS.**

**EXHIBIT P2 COPY OF THE PANCHNAMA DATED 27.10.15 EVIDENCING THE TAKING
OF POSSESSION OF THE PROPERTIES.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.33418 of 2015

Dated this the 22nd day of December 2015

JUDGMENT

The limited prayer of the petitioners in the writ petition is for a direction to the respondent bank to permit the petitioners to retain the property scheduled in Ext.P1, till 30.04.2016. In the writ petition, reference is made to three items of property, which were offered as collateral security for the loan availed by the petitioner, from the respondent bank. While the respondent bank obtained the possession of the items 1 and 2, the 3rd item of property, which is a residential building, was not taken possession of, and the petitioners were allowed to be in possession of the property, till 19.11.2015. The petitioners in the writ petition seek an extension of time to grant vacant possession of the property. The writ petition came for admission on 03.11.2015 and from that date, the petitioners have been retaining possession of the property. Counsel for the respondent bank would submit that they have to take steps for recovery of the amounts defaulted, and the recovery steps would also include further steps for obtaining vacant possession of the 3rd item of property, which is in possession of the petitioners. Taking note of the said submission of counsel for the respondent

bank, but keeping in mind the need of the petitioners to retain the property for some time, I direct that the petitioners shall be permitted to continue in possession of the 3rd item of property scheduled in Ext.P1, till 31.01.2016. I make it clear that if the petitioners do not hand over vacant possession of the property to the respondent bank on 31.01.2016, it will be open to the respondent bank to continue with recovery steps even with regard to this item of property, without any further notice. The steps initiated by the respondent bank for sale of the said property in Ext.P1 shall stand stayed till 31.01.2016.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/