

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 33890 of 2015 (I)

PETITIONER(S):

**SALY VARGHESE, AGED 54 YEARS,
W/O. SRI.M.T VARGHESE, KANJIRAKATU HOUSE, VILANGU P.O,
EDATHALA, ALUVA, KERALA 683561.**

BY ADV. SRI.P.SATHISAN

RESPONDENT(S):

- 1. INDIA SME ASSET RECONSTRUCTION COMPANY LTD.(ISARC)
A COMPANY REGISTERED UNDER THE COMPANIES ACT 1956,
AND HAVING ITS REGISTERED OFFICE AT 1ST FLOOR,
MSME DEVELOPMENT CENTRE C-11, G BLOCK,
BANDRAKURALA COMPLEX, BANDRA (EAST) MUMBAI 400 051.**
- 2. SIDBI,
5TH FLOOR, EASTY WING KHANJA BHAVAN, 49,
RACE COURSE ROAD, BANGALORE 560 001.**
- 3. SIDBI,
REPRESENTED BY ITS AUTHORIZED MANAGER, 2ND FLOOR,
FINANCE TOWER, KALOOR, COCHIN 682 017.**
- 4. ESARVEE FASHIONS PRIVATE LIMITED,
40-3B, 1ST CROSS JC INDUSTRIAL LAYOUT,
KONANAKUNTE POST, KANAKAPURA MAIN ROAD,
BANGALORE 560 062.**
- 5. DEBT RECOVERY TRIBUNAL BANGALORE,
KRITHI BHARAN, HUDSON CIRCLE,
NEAR-POLICE MEMORIAL PARK, NRUPATHUNGA ROAD,
BENGALURU, KARNATAKA 560 002.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 33890 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 AUDIT REPORT OF THE 2ND RESPONDENT IN RESPECT TO THE
AGRICULTURE PROPERTY**

**EXHIBIT P2 COPY OF THE CERTIFICATE ISSUED BY THE AUTHORITY SHOWING THE
PROPERTY IS AGRICULTURAL PROPERTY**

**EXHIBIT P3 COPY OF THE DOCUMENT EXECUTED AT THE TIME OF FURNISHING
ADDITIONAL SECURITY WITH RESPONDENT NO.2**

**EXHIBIT P4 RELEVANT EXTRACT OF THE OA NO 1624/13 FILED BY RESPONDENT
NO.1 IN DEBT RECOVERY TRIBUNAL BANGALORE**

**EXHIBIT P5 COPYOF SAID ADDITIONAL AFFIDAVIT FILED BY 1ST RESPONDENT IN OA
NO 1624/13 IN DEBT RECOVERY TRIBUNAL BANGALORE**

RESPONDENT(S)' EXHIBITS

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.33890 of 2015

Dated this the 26th day of November 2015

JUDGMENT

It is submitted by counsel for the petitioner that the petitioner has approached the Debts Recovery Tribunal, Bangalore, for seeking appropriate reliefs in the matter. Taking note of the said submission, the writ petition is dismissed as withdrawn, without prejudice to the right of the petitioner to seek appropriate relief before an appropriate forum.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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