

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 36520 of 2015 (L)

PETITIONER :

**MINI RAMANKUTTY,
W/O. LATE RAMANKUTTY, SUNNY PALACE, FLAT NO. 1206,
CHANGAMPUSHA SAMADHI ROAD, EDAPPALLY,
ERNAKULAM DISTRICT - 682 024.**

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

RESPONDENT(S):

- 1. THE AUTHORIZED OFFICER,
THE FEDERAL BANK LTD, ZONAL OFFICE,
STRESSED ASSET MANAGEMENT CELL, FEDERAL TOWERS,
1ST FLOOR, MARINE DRIVE, ERNAKULAM,
KOCHI -31.**
- 2. THE BRANCH MANAGER,
FEDERAL BANK LTD, PANANGAD BRANCH,
PANANGAD, ERNAKULAM DISTRICT.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 36520 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE ORDER DATED 20/11/2015 PASSED BY THE DRT,
ERNAKULAM IN I.A.NO. 2977/2015 IN S.A.NO.450/2015.
- P2- TRUE COPY OF THE APPEAL MEMORANDUM FILED BEFORE THE DRAT,
CHENNAI UNDER AIR 898/2015 DATED 30/11/2015.
- P3- TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER
ASKING TO VACATE THE PREMISES, DATED 18/11/2015.
- P4- TRUE COPY OF THE WAIVER PETITION, FILED BEFORE THE DRAT, CHENNAI,
DATED 30/11/2015.
- P5- TRUE COPY OF THE STAY PETITION FILED BEFORE THE DRAT, CHENNAI
DATED 30/11/2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.36520 of 2015

Dated this the 3rd day of December 2015

JUDGMENT

The petitioner, who is aggrieved by the final order passed by the Debts Recovery Tribunal in a securitisation application, preferred an appeal against the said order, before the Debts Recovery Appellate Tribunal, Chennai. It is stated that the said appeal is numbered as AIR No.898/2015, before the said tribunal. The petitioner also states that he has filed an application for stay, together with an application for waiver of pre-deposit, before the appellate tribunal. The said applications are produced as Exts.P4 and P5, in the writ petition. The limited prayer of the petitioner in the writ petition is, to keep in abeyance the recovery steps, that have been initiated against him, till such time as the appellate tribunal has had occasion to consider the stay petition preferred by the petitioner, before the appellate tribunal.

2. I have heard the learned counsel for the petitioner. In the nature of the order that I propose to pass, I do not deem it necessary to hear the respondents.

3. Taking note of the facts and circumstances of the case, and the submission of counsel for the petitioner, I dispose the writ petition by directing that recovery steps against the petitioner shall be kept in abeyance for a period of six weeks, so as to enable the petitioner to move the stay application before the Debts Recovery Appellate Tribunal, Chennai. It is made clear that on the expiry of six weeks from the date of this judgment, the stay granted shall automatically expire.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/