

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38497 of 2015 (J)

PETITIONER :

**BABUSENAN, AGED 50 YEARS,
S/O. BHASKARA PANICKER, BHAMEE COTTAGE,
KUCHAPURAM, AMACHAL P.O., KATTAKADA.**

**BY ADVS.SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENTS :

- 1. AUTHORISED OFFICER / CHIEF MANAGER,(ADVANCES),
STATE BANK OF TRAVANCORE, REGION II, ZONAL OFFICE,
THIRUVANANTHAPURAM - 695001.**
- 2. MANAGER, THE STATE BANK OF TRAVANCORE,
OTTASEKHARAMANGALAM BRNACH,
THIRUVANANTHAPURAM - 695121.**

BY SRI.SATHISH NINAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF NOTICE DT 1/7/2008 UNDER SECTION 13920 OF SAFFAESI ACT.
- P2: COPY OF REQUEST DT 17/9/2008 MADE PETITIONER TO RESPONDENT BANK.
- P3: COPY OF STATEMENT OF ACCOUNTS PERTAINING TO ACCOUNT NO. 67001998497 FROM 1/9/2005 TO 24/3/2009.
- P4: COPY OF CMP NO. 252/2009 DT 16/1/2009 BEFORE CJM, THIRUVANANTHAPURAM.
- P5: COPY OF ORDER DT 19/3/2009 IN CMP NO. 252/2009 OF CJM, THIRUVANANTHAPURAM.
- P6: COPY OF RECEIPT DT 15/5/2009 AS T THE REMITTANCE OF 1 LAKH.
- P7: COPY OF RECEIPT DT 10//2009 AS TO THE REMITTANCE OF 1 LAKH.
- P8: COPY OF RECEIPT DT 20/3/2010 AS TO THE REMITTANCE OF 45,000/-.
- P9: COPY OF RECEIPT DT 14/9/2010 AS TO THE REMITTANCE OF 25,000/-.
- P10: COPY OF RECEIPT DT 17/12/2010 AS TO THE REMITTANCE OF 40,000/-
- P11: COPY OF RECEIPT DT 28/2/2011 AS TO THE REMITTANCE OF 1,00,000/-.
- P12: COPY OF ORDER DT 18/12/2014 IN S.A. NO. 224/2009 PASSED BY D.R.T. ERNAKULAM.
- P13: COPY OF NOTICE DT 20/10/2015 BY ADVOCATE COMMISSIONER.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

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Dated this the 17th day of December, 2015

JUDGMENT

The challenge in the writ petition is against Ext.P13 notice issued to the petitioner by an Advocate Commissioner appointed pursuant to an order of the Chief Judicial Magistrate, under Section 14 of the SARFAESI Act. Although, in the writ petition, the petitioner proceeds on the assumption that Ext.P13 notice was issued pursuant to Ext.P12 order of the Debt Recovery Tribunal in SA No.224 of 2009, the learned Standing Counsel for the respondent bank would submit that Ext.P13 notice is not pursuant to Ext.P12 order, but in respect of separate proceedings, that have been initiated against the petitioner based on another Section 13(2) notice, that was issued on 04.02.2015. Taking note of the said submission of counsel for the respondent bank, counsel for the petitioner would submit that he would require some time to pursue his remedy against Ext.P13 notice in separate proceedings. To enable the petitioner to pursue his remedy against Ext.P13 notice, I direct that recovery steps pursuant to Ext.P13 notice shall be kept in abeyance for a period of two weeks from today, so that the petitioner can explore his options with regard to the steps to be taken to redress his grievance against Ext.P13 notice. I make it

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clear that, I have not expressed any opinion on the merits of Ext.P12 order or on the merits of the proceedings that led to Ext.P13 notice.

The writ petition is disposed as above.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE

das /17.12.15