

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).NO. 39570 OF 2015 (U)

PETITIONER(S) :

JOBY A. GEORGE AGED 42 YEARS
S/O.ANTHONY GEORGE
AINIKKAL HOUSE
KALLUR P.O., ALAGAPPA NAGAR, THRISSUR DISTRICT

BY ADVS.SRI.I.DINESH MENON
SRI.M.JITHESH MENON

RESPONDENT(S) :

THE AUTHORISED OFFICER
INDIAN BANK, CIRCLE OFFICE
CHITTOOR ROAD, ERNAKULAM, PIN 682017

BY SRI.S.EASWARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .NO. 39570 OF 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE NOTICE DATED 14.10.2009

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.39570 of 2015
.....
Dated this the 23rd day of December, 2015

J U D G M E N T

The petitioner who is aggrieved by an order of the Debt Recovery Tribunal dismissing his S.A, seeks some time for preferring a statutory appeal against the said order before the appellate Tribunal. It is submitted that, although the S.A was dismissed on 11.12.2015, the petitioner has not got a certified copy of the order from the Tribunal as yet, and he apprehends that before steps are taken by him for pursuing the matter before the Appellate Tribunal, recovery steps will be initiated by the respondent bank for dispossession of the petitioner from the secured asset.

2. I have heard the learned counsel for the petitioner and also the learned Standing counsel for the respondent bank.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar and taking note of the peculiar circumstances of this case, I direct that recovery

steps for recovery of amounts due from the petitioner, including dispossession of the petitioner from the secured asset, shall be kept in abeyance for a period of one month so as to enable the petitioner to pursue his appellate remedy against the order of the Tribunal dismissing the S.A.

A.K.JAYASANKARAN NAMBIAR
JUDGE