IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WA NO. 656 OF 2025

AGAINST THE JUDGMENT DATED 10.03.2025 IN WP(C) NO.8944 OF 2025

OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

MUHSINA N.,
AGED 25 YEARS
D/O. MOHAMMED SALI NAVAS, A.S. MANZIL, KULAKUDIYOORKONAM,
NEMOM P.O., THIRUVANANTHAPURAM, PIN - 695020

BY ADVS.
E.D.GEORGE
BENET SELVAN S.
BRISONE T. MATHEW

RESPONDENTS/RESPONDENTS:

1 THE BRANCH MANAGER,
FEDERAL BANK, KADAKAL BRANCH, KST MAGGS MARKET JUNCTION,
MARKET, NEAR KADAKKAL, KERALA, PIN - 691536

2 THE AUTHORIZED OFFICER,
FEDERAL BANK, KADAKAL BRANCH, KST MAGGS MARKET JUNCTION,
MARKET, NEAR KADAKKAL, KERALA, PIN - 691536

BY ADVS.
P.PAULOCHAN ANTONY
SREEJITH K.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

(Dated this the 11th day of April 2025)

NITIN JAMDAR, C.J.

Heard Mr.E.D.George, learned counsel for the Appellant and Mr.Paulochan Antony, learned counsel for the Respondents.

2. As against the action taken by the secured creditor under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), it is more than settled that the remedy of the affected parties is to approach the Debts Recovery Tribunal. This position of law has been reiterated by the Hon'ble Supreme Court in *United Bank of India v. Satyawati Tondon*[1] , *PHR Invent Educational Society v. UCO Bank*[2] *and South Indian Bank v. Abdulla Kulukkampara*[3] .

3. In light thereof, we are not inclined to interfere with the impugned judgment dated 10 Mach 2025 in W.P(C)No.8944 of 2025. If

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1 *[2010 (8) SCC 110]*

2 *[2024 (6) SCC 579]*

3 *[2024 SCC OnLine Ker 7015]*

the Appellant approaches the Debts Recovery Tribunal, all contentions on merits are kept open.

4. The appeal is accordingly disposed of.

Sd/-

NITIN JAMDAR
CHIEF JUSTICE

Sd/-

S.MANU
JUDGE

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