2025:KER:31282

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP (DRT) NO. 127 OF 2025

AGAINST THE ORDER DATED 04.04.2025 IN SA NO.240 OF 2025 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM

PETITIONER/APPLICANT:

MANOJ C MOIDU
AGED 45 YEARS
S/O MOIDU, 39/2547, KARIVELITHUNDIPARAMBIL HOUSE, SOUTH JANATHA ROAD, PALARIVATTOM, ERNAKULAM, PIN - 682025

BY ADVS.
T.P.SANTHOSH KUMAR
C.H.ABDUL RASAC

RESPONDENTS/DEFENDANTS:

1 KOTAK MAHINDRA PRIME LTD
KOCHI BRANCH, THADIKKARAN CENTRE, 4TH FLOOR, PALARIVATTOM, ERNAKULAM REP.BY ITS BRANCH MANAGER, PIN - 682025

2 KOTAK MAHINDRA PRIME LTD
KOCHI BRANCH, THADIKKARAN CENTRE, 4TH FLOOR,

PALARIVATTOM, ERNAKULAM, REPRESENTED BY ITS AUTHORISED OFFICER, PIN - 682025

BY ADVS.
B.S.SURESH KUMAR
ASHLEY JOHN(K/000719/2015)
RANJANA V.(K/001646/2000)
ANUSREE C.S.(K/1438/2021)
JAISON MATHEW(K/002873/2023)

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has availed statutory remedies against the steps taken by the respondent-financial institution under the provisions of the SARFAESI Act and S.A.No.240 of 2025 along with I.A.No.1405 of 2025 is now pending before the Debts Recovery Tribunal-I, Ernakulam. The petitioner has approached this Court stating that the application for stay filed by the petitioner has been dismissed by the Tribunal and a copy of the order has not been obtained.

2. The learned counsel appearing for the respondent-financial institution submits that the interlocutory application has not been dismissed and is listed for hearing on 15.04.2025. It is submitted that the respondent financial institution does not intend to take any further proceedings before 15.04.2025.

3. Having heard the learned counsel for the petitioner and the learned counsel appearing for the respondent-financial

institution, this original petition is closed, recording the submissions of the learned counsel appearing for the respondent-financial institution that the interlocutory application referred to above is listed for final hearing on 15.04.2025 and also that no action will be taken under the provisions of the SARFAESI Act till that date.

Sd/-
GOPINATH P.
JUDGE

Scl/

APPENDIX OF OP (DRT) 127/2025

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE DEMAND NOTICE DATED 06.06.2024 ISSUED BY THE 2ND RESPONDENT**
Exhibit P2	**TRUE COPY OF THE POSSESSION NOTICE DATED 22.08.2024 ISSUED BY THE 2ND RESPONDENT**
Exhibit P3	**TRUE COPY OF THE TREATMENT RECORDS OF THE MOTHER OF THE PETITIONER**
Exhibit P4	**TRUE COPY OF THE JUDGMENT DATED 23.09.2024 IN WPC.NO.30975/2024**
Exhibit P5	**TRUE COPY OF THE TRANSACTION DETAILS OF PAYMENT OF RS.3 LAKH BY THE PETITIONER**
Exhibit P6	**TRUE COPY OF THE TRANSACTION DETAILS OF THE PAYMENT OF RS.2.7 LAKH BY THE PETITIONER**
Exhibit P7	**TRUE COPY OF THE DISCHARGE SUMMERY OF THE MOTHER OF THE PETITIONER**
Exhibit P8	**TRUE COPY OF THE DISCHARGE BILL ESTIMATE SUMMERY DATED 22.02.2025**
Exhibit P9	**TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 14.03.2025**
Exhibit P10	**TRUE COPY OF THE JUDGMENT DATED 28.03.2025 IN WPC.NO.11764/2025**
Exhibit P11	**TRUE COPY OF THE S.A.NO.240/2025 FILED BEFORE THE HON'BLE DRT-1.**

Exhibit P12	**TRUE COPY OF THE STAY PETITION AS STAY PETITION I.A.NO.1405/2025 FILED BEFORE THE DRT-1**
Exhibit P13	**TRUE COPY OF THE COPY APPLICATION FILED BY THE PETITIONER**