

(2023) 06 KL CK 0176
In the High Court Of Kerala
Case No : Original Petition (DRT) No.236 Of 2023

Niyas K.A

APPELLANT

Vs

Authorized Officer & Chief Manager Catholic Syrian Bank Ltd

RESPONDENT

Date of Decision : 13-06-2023

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2023) 06 KL CK 0176

Hon'ble Judges : C.S Dias, J

Bench : Single Bench

Advocate : R.Kishore, Amar S.R., Madhu Radhakrishnan

Final Decision : Disposed Of

Judgement

C.S Dias, J

1. The original petition is filed to direct the Debt Recovery Tribunal-II, Ernakulam, to consider and dispose of SA No.1671/2023 (Ext P18) filed in SA No.252/2023 (Ext P17), expeditiously.

2. The petitioner's case is that, aggrieved by the securitization proceedings initiated against the properties of the petitioner, he has filed Ext P17 application before the Tribunal. Along with Ext P17, he has also filed Ext P18 stay petition as early as on 16.5.2023. However, the said application is not being considered and the respondents are proceeding against the secured asset. Hence, the original petition.

3. Heard; Sri.R.Kishore, the learned counsel appearing for the petitioner and Sri.Madhu Radhakrishnan, the learned counsel appearing for the respondents.

4. Sri.Madhu Radhakrishnan, on instructions, submitted that even though the secured asset was posted for sale, there were no bidders. Hence, the proceedings have been adjourned. Therefore, Ext P18 has become infructuous.

5. Having considered the pleadings and materials on record and taking note of

the fact that Ext P18 is pending consideration before the Tribunal, I deem it appropriate to direct the Tribunal to consider and dispose of Ext P18 application on its merits.

Resultantly, in exercise of the powers of this Court under Article 227 of the Constitution of India, I dispose of the original petition in the following manner:

The Debt Recovery Tribunal-II, Ernakulam, is directed to consider and dispose of Ext P18 application, in accordance with law and as expeditiously as possible, at any rate within a period of one month from the date of receipt of a certified copy of the judgment, after affording both sides an opportunity of being heard.

The original petition is ordered accordingly.