

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Smitha Rajeev Kumar vs Csb Bank (Formerly the Catholic Syrian Bank Ltd.)

Smitha Rajeev Kumar vs Csb Bank (Formerly the Catholic Syrian Bank Ltd.)

SooperKanoon Citation : sooperkanoon.com/1286530

Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mr.Justice C. Jayachandran

Appeal No. : RP/58/2024

Appellant : Smitha Rajeev Kumar

Respondent : Csb Bank (Formerly the Catholic Syrian Bank Ltd.)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN
WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA,
1945 RP NO. 58 OF 2024 AGAINST THE JUDGMENT DATED
29.12.2023 IN WP(C) 44300/2023 OF HIGH COURT OF KERALA
REVIEW PETITIONERS/PETITIONER IN WPC: 1 SMITHA RAJEEV
KUMAR AGED 42 YEARS W/O RAJEEV KUMAR, NANDANAM,
KAITHACKAL, ANAYADI P. O, ADOOR, PATHANAMTHITTA, PIN -
690561 2 RAJEEV KUMAR AGED 44 YEARS NANDANAM,
KAITHACKAL, ANAYADI P.O, ADOOR, PATHANAMTHITTA, PIN -
690561 BY ADVS. B.J.JOHN PRAKASH P.PRAMEL COLIN ALEX
SOORAJ M.S. VARSHA VIJAYAKUMAR NAIR

RESPONDENT/RESPONDENT IN WPC: 1 CSB BANK (FORMERLY THE CATHOLIC SYRIAN BANK LTD.) REPRESENTED BY THE AUTHORIZED OFFICER AND CHIEF MANAGER-LAW ZONAL OFFICE, MALANKARA BUILDING COMPLEX PALAYAM, THIRUVANANTHAPURAM, PIN - 695034 THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.JAYACHANDRAN, J.

Dated this the 31st day of January, 2024

ORDER

Learned counsel for the petitioners submit that it has become non profitable to pursue the instant Review Petition, inasmuch the delivery of the secured asset has been taken over by the respondent Bank under the SARFAESI Act. The only reservation which the learned counsel for the petitioners seeks is a permission to agitate the contentions taken in the Writ Petition, as also, in the Review Petition in the pending appeal filed under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal. This Court notice that the Writ Petition was not disposed on merits of the contentions raised by the petitioners. It was disposed of reiterating the right of the respondent Bank to proceed against the petitioners and their assets on the event of default of payment of instalments granted. In such circumstances, it is only just and proper that the reservation sought for by the petitioners to agitate their legal contentions in the pending proceedings before the Debts Recovery Tribunal is allowed. It is so done. The Review Petition will stand closed accordingly. Sd/- C. JAYACHANDRAN JUDGE SKP/31-01 APPENDIX OF RP 58/2024 PETITIONERS ANNEXURES: ANNEXURE-A TRUE COPY OF THE OBITUARY NOTICE DATED 21.12.2023 RESPONDENTS' ANNEXURES:NIL TRUE COPY P.A. TO JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com