

Fathima Bind vs the Authorized Officer

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Court : Kerala

Decided On : Feb-06-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : OP (DRT)/60/2024

Appellant : Fathima Bind

Respondent : The Authorized Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945
OP (DRT) NO. 60 OF 2024 AGAINST THE ORDER/JUDGMENT SA
337/2023 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM RA 2/2024
OF DEBT RECOVERY TRIBUNAL, ERNAKULAM
PETITIONER/REVIEW PETITIONER/APPLICANT: FATHIMA BIND,
AGED 46 YEARS, W/O.SAIDALIKUTTY, KALLINGAL HOUSE,
CHENGUVETTI KUNDU, KOTTAKKAL.P.O., MALAPPURAM., PIN -
676503 BY ADVS. ZAKEER HUSSAIN K.A.SANJEETHA MOHAMMED
ZAMAN RESPONDENTS/RESPONDENTS/DEFENDANTS: 1 THE
AUTHORIZED OFFICER THE KOTTAKKAL CO-OPERATIVE URBAN

BANK LTD NO.1378, HEAD OFFICE KOTTAPPADY, KOTTAKKAL, MALAPPURAM DISTRICT., PIN - 676503 2 THE KOTTAKKAL CO-OPERATIVE URBAN BANK LTD NO.1378 HEAD OFFICE KOTTAPPADY, KOTTAKKAL, MALAPPURAM DISTRICT REP BY ITS CHIEF EXECUTIVE OFFICER/ AUTHORISED OFFICER, PIN - 676503 SRI.DEVAPRASANTH P.J. THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION ON 06.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 6th day of February, 2024 The O.P (DRT) has been filed by the petitioner, who has availed a financial advance from the Kottakkal Co-operative Urban Bank Limited and against whom the Bank had initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. In this O.P (DRT), the petitioner sought to direct the

Debts Recovery Tribunal to consider and pass orders on Ext.P6 Review Application and Ext.P7 Stay Petition. The petitioner submits that the Review Application was posted today and now stands adjourned to 26.02.2024. In the meanwhile, the Advocate Commissioner is on the door step for taking over possession of the property.

3. Taking into consideration the fact that the Debts

Recovery Tribunal has adjourned the petitioners Review Application to 26.02.2024, I am of the view that the respondents shall defer coercive proceedings till then on strict conditions. The O.P (DRT) is therefore disposed of directing that if the petitioner remits 20 lakhs on or before 26.02.2024, coercive proceedings against the petitioner shall stand deferred till then. Further proceedings shall depend upon the outcome of the Review Petition pending before the Debts Recovery Tribunal. Sd/- N.NAGARESH JUDGE spk APPENDIX OF OP (DRT) 60/2024 PETITIONER EXHIBITS Exhibit.P1 TRUE COPY OF THE SA

NO.337/2023 (WITHOUT ANNEXURES) DATED 30/06/2023 ON THE FILE OF DEBT RECOVERY TRIBUNAL- I, ERNAKULAM. Exhibit.P2 TRUE COPY OF THE COVID-19 REGULATORY PACKAGE DATED 27/03/2020 OF THE RESERVE BANK OF INDIA. Exhibit.P3 TRUE COPY OF THE COVID-19 REGULATORY PACKAGE DATED 23/05/2020 OF RESERVE BANK OF INDIA Exhibit.P4 TRUE COPY OF THE WRITTEN STATEMENT DATED NIL (WITHOUT ANNEXURES) FILED BY THE RESPONDENTS IN SA NO.337/2023. Exhibit.P5 TRUE COPY OF THE ORDER DATED RECOVERY TRIBUNAL-I, ERNAKULAM. Exhibit.P6 TRUE COPY OF THE REVIEW APPLICATION

NO.2/2024 IN SA NO.337/2023 (WITHOUT ANNEXURES) DATED 19/01/2024 ON THE FILE OF DEBT RECOVERY TRIBUNAL-I, ERNAKULAM. Exhibit 7 TRUE COPY OF THE STAY PETITION I.A.NO.464/2024 IN REVIEW APPLICATION NO.2/2024 DATED 19/01/2024 ON THE FILE OF DEBT RECOVERY TRIBUNAL-I, ERNAKULAM. Exhibit.P8 TRUE COPY OF THE NOTICE DATED COMMISSIONER IN CMP NO.3026/2022 ON THE FILE OF CHIEF JUDICIAL MAGISTRATE COURT, MANJERI Exhibit.P9 TRUE COPY OF THE MEDICAL CERTIFICATE DATED 20/06/2023 ISSUED BY DR.ABY ABRAHAM.M, MD.DM, DNB, FISN, FRCP(UK), LEKSHORE HOSPITAL AND RESEARCH CENTRE LTD, ERNAKULAM.

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