

Jm Financial Asset Reconstruction Co.Ltd vs S.Pradeep Kumar

Jm Financial Asset Reconstruction Co.Ltd vs S.Pradeep Kumar

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Court : Kerala

Decided On : Jun-15-2023

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : OP (DRT)/26/2020

Appellant : Jm Financial Asset Reconstruction Co.Ltd

Respondent : S.Pradeep Kumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY, THE 15TH DAY OF JUNE 2023 / 25TH JYASHTA, 1945 OP (DRT) NO. 26 OF 2020 OA NO.624/2013 IN SA NO.859/2013 IN IA NO.2444/2014 IN IA NO.244/2014 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM PETITIONER/3RD PARTY: 1 JM FINANCIAL ASSET RECONSTRUCTION CO.LTD 7TH FLOOR, CNERGY, APPASAHEB MARATHE MARG, PRABHADEVI, MUMBAI-400025 REPRESENTED BY ITS ASSOCIATE VICE PRESIDENT MR.PANKAJ AGNIHOTRI BY ADVS. SRI.SUNIL SHANKER MADHU RADHAKRISHNAN NELSON JOSEPH(K/380/2007) M.D.JOSEPH(K/839/2008) DEEPAK ASHOK KUMAR(K/1624/2018) RESPONDENTS/DEFENDANTS/APPLICANT:

1 S.PRADEEP KUMAR A3, INRA HARBOR VIEW APARTMENTS,
CHURCH LANDING ROAD, KOCHI-682016 2 INDIRA NAIR INDU,
OPP. GOVT. HOSPITAL, IRANIMUTTOM, ATTUKAL, MANACAUD.P.O,
THIRUVANANTHAPURAM-695009 3 M/S. INDU INNOVATIVE FOODS,
(A PARTNERSHIP FIRM) SUIT NO.1, 3RD FLOOR, DD ANGADI,
CONVENT JUNCTION, ERNAKULAM, KOCHI-682011 4 JENSIL JOSE
PARTNER, M/S. INDU INNOVATIVE FOODS, B2, VALIYAEETIL
APARTMENTS, MAMATA NAGAR, EDAPPALLY-682024 5 M/S.INDU
INNOVATIVE FOODS (A PROPRIETORY CONCERN) SUIT NO.1, 3RD
FLOOR, DD ANGADI, CONVENT JUNCTION, ERNAKULAM, KOCHI-
682011 6 M/S.UCO BANK M.G.ROAD BRANCH, RAVIPURAM ROD,
ERNAKULAM-682016. BY ADVS. SRI.P.SHRIHARI SRI.H.RAMANAN,
SC, UCO BANK SRI.C.M.SUNILKUMAR

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR
ADMISSION ON 15.06.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

C.S.DIAS, J.

----- OP (DRT) No.26 of 2020 ----- Dated
this the 15th day of June, 2023

JUDGMENT

The original petition is filed to direct the Debt Recovery Tribunal-I, Ernakulam (in short Tribunal) to consider and dispose of O.A. No.624/2013 and SA No.859/2013 and all the pending applications in the two cases within a time period fixed by this Court.

2. The petitioners case is that, the above

two applications are pending consideration before the Tribunal since 2013. The pendency of the applications is causing prejudice to the petitioner. Hence, the original petition.

3. When the original petition came up for

consideration on 04.02.2020, this Court had called for a report from the Tribunal to ascertain the time period within which the two applications can be disposed of.

4. The Tribunal, by communication dated

13.02.2020, has informed this Court that the above two cases can be disposed of expeditiously. Having considered the pleadings and materials on record and taking into consideration the fact that the above two applications are of the year 2013, in exercises of the supervisory powers of this Court under Article 227 of the Constitution of India, I deem it appropriate to dispose of the original petition as follows:

(i) The Debt Recovery Tribunal-I, Ernakulam

is directed to consider and dispose of O.A. No.624/2013 and SA No.859/2013 and all pending applications, in accordance with law and as expeditiously as possible, at any rate, within a period of three months after the completion of the pre-trial steps. The original petition is ordered accordingly. Sd/- C. S. DIAS JUDGE
SKP/15-06 APPENDIX OF OP (DRT) 26/2020 PETITIONERS EXHIBITS:

EXHIBIT P1

TRUE COPY OF IA NO.244/2014 DATED 15.10.20

NO.859/2013 FROM 26.12.2013 TO 12.10.2018 EXHIBIT P3(A) A TRUE COPY OF A DIARY PROCEEDINGS IN SA NO.859/2013 FROM 07.11.2018 TO 5.09.2019 EXHIBIT P4 A TRUE COPY OF A DIARY PROCEEDINGS IN OA NO.624/2013 FROM 07.03.2014 TO 12.10.2018 EXHIBIT P4(A) A TRUE COPY OF A DIARY PROCEEDINGS IN OA NO.624/2013 FROM 07.11.2018 TO 22.07.2019 RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A.TO JUDGE

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