

The Authorized Officer vs Alias

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SooperKanoon Citation : sooperkanoon.com/1358000

Court : Kerala

Decided On : Mar-20-2023

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : OP(C)/73/2015

Appellant : The Authorized Officer

Respondent : ALIAS

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS MONDAY, THE 20TH DAY OF MARCH 2023 / 29TH PHALGUNA, 1944 OP(C) NO. 73 OF 2015 AGAINST THE ORDER/JUDGMENT IN EA 13/2015 IN EA 456/2014 IN EP NO.444/2012 IN OS 3/2008 OF SUB COURT,NORTH PARAVUR PETITIONER/S: THE AUTHORIZED OFFICER HDFC BANK LIMITED, S.L,PLAZA, ERNAKULAM. BY ADV SRI.T.RAJESH RESPONDENT/S: 1 ALIAS S/O.ITTOOP, ALUKA PUTHUSSERY HOUSE, MAKAVU KARA, VAPPALASSERY, ALUVA-683101. 2 JOSH Y JOSEPH MANIYATT HOUSE, MAMAMGALAM CROSS ROAD, DEEPAM LANE, EDAPPALLY P.O., ERNAKULAM, KOCHI-682025. THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 20.03.2023,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.S DIAS,J.

----- Dated this the 20th day of
March, 2023.

JUDGMENT

The original petition is filed to direct the Court of the Subordinate Judge, North Paravur, to consider and dispose of EA No.13/2015 in EA No.456/2014 in E.P No.444/2012 in OS No.3/2008 (Ext P6) within a reasonable time period.

2. I do not assume for a moment that the court below has not already considered and disposed of Ext P6 application, which was filed as early as on 7.1.2015.

3. Therefore, I hold that nothing further

survives in the original petition. Resultantly, without prejudice to the right of the petitioner to challenge any subsequent orders passed in the execution proceedings, the original petition is dismissed as infructuous. SD/- sks/20.3.2023
C.S.DIAS, JUDGE APPENDIX OF OP(C) 73/2015 PETITIONER EXHIBITS

EXT.P1 : TRUE COPY OF THE NOTICE ISSUED BY UNDER SEC.13(2) OF THE ACT. EXT.P2 : TRUE COPY OF THE SECURITIZATION APPLICATION FILED AS S.A.276/2011 BY R2. EXT.P3 : TRUE COPY OF THE SALE PROCLAMATION PUBLISHED BY THE PETITIONER ON INDIAN EXPRESS. EXT.P4 : TRUE COPY OF THE EP 444/2012 FILED BY R1 SEEKING DELIVERY OF THE PROPERTY. EXT.P5 : TRUE COPY OF THE PETITION FILED AS EA 456/14 BY THE AUTHORISED OFFICER. EXT.P6 : TRUE COPY OF THE PETITION FILED AS EA 13 OF 2015 BEFORE THE EXECUTION COURT. EXT.P7 : TRUE COPY OF THE RECEIPT SHOWING THE ISSUANCE EXT.P6 BY REGISTERED POST TO THE COUNSEL APPEARING FOR R1. EXT.P8 : TRUE COPY OF THE MEMO DT.8-1-

2015 FILED BEFORE THE EXECUTION COURT ALONG WITH
EXT.P6.

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