

Bank of Baroda vs Alexander

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Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : RP/623/2023

Appellant : Bank of Baroda

Respondent : Alexander

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945 RP NO. 623 OF 2023 AGAINST THE JUDGMENT DATED 16.05.2023 IN WP(C) 15172/2023 OF HIGH COURT OF KERALA REVIEW PETITIONERS/PETITIONERS:

1 BANK OF BARODA HEAD OFFICE, BARODA HOUSE,MANDVI,VADODARA DISTRICT, GUJARAT,PIN-39.REPRESENTED BY ITS MANAGING DIRECTOR & CHIEF EXECUTIVE OFFICER, REPRESENTED THROUGH AUTHORISED OFFICER/ CHIEF MANAGER SRI. SHRINIWAS PATHAK, AGED 44

YEARS, S/O. LATE. S.M PATHAK. 2 THE BRANCH MANAGER BANK OF BARODA, MAKKIYAD BRANCH, NEAR MAKKIYAD P.O, MAKKJYAD, WAYANAD, PIN: 670 731, REPRESENTED THROUGH AUTHORISED OFFICER, CHIEF MANAGER , SRI. SHRIHIWAS PATHAK, AGED 44 YEARS, S/O. LATE. S.M PATHAK. 3 THE AUTHORISED OFFICER AND CHIEF MANAGER BANK OF BARODA, MAKKIYAD BRANCH, NEAR MAKKIYAD P.O, MAKKIYAD. WAYANAD, PIN - 670731, REPRESENTED BY SRI. SHRINIWAS PATHAK, AGED 44 YEARS, S/O. LATE. S.M PATHAK, BY ADV LEO GEORGE

RESPONDENTS/RESPONDENTS: ALEXANDER AGED 47 YEARS S/O. CHANDY, PULLIKKAMALIL HOUSE, PUDUSSERRY P.O, KANGIRANGAD VILLAGE, WAYANAD DISTRICT,, PIN - 670 645. BY ADV. SHAJI CHIRAYATH THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: R.P. No. 623/2023 :2:

SHOBA ANNAMMA EAPEN, J.

----- R.P. No. 623 of 2023 in
W.P.(C) No. 15172 of 2023 -----
Dated this the 1st day of August, 2023.

JUDGMENT

The review petitioners-Bank of Baroda, the Branch Manager, Bank of Baroda, the Authorised Officer and Chief Manager, Bank of Baroda, Wayanad represented by Sri. Shriniwas Pathak, filed the review petition, seeking a review of the judgment dated 14.05.2023 in W.P.(C) No. 15172 of 2023 contending that the petitioner in the writ petition has secured the judgment by making incorrect facts.

2. Heard the learned counsel for the review petitioners and the respondent.

3. When the matter came up for consideration today, the

learned counsel for the respondent/writ petitioner submits that the respondent wants to file a Securitization Application (SA) before the Debt Recovery Tribunal on the basis of the original cause of action.

4. Considering the facts and circumstances of the case, this

R.P. No. 623/2023 :3: Court is of the view that there is force in the contention raised by the review petitioner and therefore, the review petition can be allowed.

Accordingly, the Review Petition is allowed and the judgment

dated 14.05.2023 is recalled and the writ petition is restored to file, for judgment.
sd/- SHOBA ANNAMMA EAPEN, JUDGE. Rv

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