

Sajitha B., vs the Branch Manager,

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SooperKanoon Citation : sooperkanoon.com/1382103

Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/26546/2023

Appellant : Sajitha B.,

Respondent : The Branch Manager,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA,
1945 WP(C) NO. 26546 OF 2023 PETITIONER: SAJITHA B., AGED 46
YEARS W/O SANTHOSH R, KRISHNAMRITHAM, T.K. THARA
KODUVAYUR, PALAKKAD DISTRICT, PIN - 678 502 , REP BY POWER
OF ATTORNEY HOLDER K.BALASUBRAHMANYAN, AGED 71
YEARS, S/O KRISHNAN, KEERTHI HOUSE, EAST VENNAKKARA,
NEAR ALPS, THONDIKKULAM, VENNAKKARA, NOORANI VILLAGE,
PALAKKAD, PIN - 678 004. L.RAJESH NARAYAN RESPONDENTS: 1
THE BRANCH MANAGER, CATHOLIC SYRIAN BANK LTD,
KODUVAYUR BRANCH, THRISSUR, PIN - 680 001. 2 THE

AUTHORIZED OFFICER, CATHOLIC SYRIAN BANK ZONAL OFFICE, THRISSUR, PIN - 680 001. MADHU RADHAKRISHNAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

JUDGMENT

Dated this the 31st day of October, 2023 Petitioner has approached this Court, apprehending that the Advocate Commissioner appointed by the Chief Judicial Magistrate Court, may take physical possession of the secured asset without giving breathing time to the petitioner.

2. Counsel appearing for the respondent-Bank would

submit that the application filed under Section 14 of the SARFAESI Act before the Chief Judicial Magistrate Court is yet to be considered and no Advocate Commissioner has been appointed so far. Having heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent-Bank, this writ petition will stand disposed of, directing that if the Advocate Commissioner, who may be appointed in proceedings before the Chief Judicial :3: Magistrate Court, proposes to take physical possession of the secured asset in question, he shall give notice of minimum fourteen days to the petitioner before actually taking physical possession. Sd/- N. NAGARESH JUDGE AMR :4: APPENDIX OF WP(C) 26546/2023 PETITIONER'S EXHIBITS Exhibit P1 TRUE COPY OF THE AUCTION NOTICE DATED 11.6.2019 PUBLISHED IN THE MATHRUBHUMI DAILY. Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 6.8.2019 IN WPC NO.21374/2019. Exhibit P3 TRUE COPY OF THE ORDER DATED 28.10.2020 IN RP NO. 750/2020 IN WP(C) NO. 21374/2019. Exhibit P4 TRUE COPY OF THE ORDER DATED 20.10.2022 IN RP NO.833/2022. Exhibit P5 TRUE COPY OF THE JUDGMENT DATED 5.12.2022 IN OP(DRT) NO.483/2022.