

Friends Logistics vs Authorized Officer & Asst. Vice President,

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SooperKanoon Citation : sooperkanoon.com/1443592

Court : Kerala

Decided On : Nov-08-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : OP (DRT)/37/2022

Appellant : Friends Logistics

Respondent : Authorized Officer & Asst. Vice President,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 8TH DAY OF NOVEMBER 2022 / 17TH KARTHIKA, 1944 OP (DRT) NO. 37 OF 2022 AGAINST THE ORDER/JUDGMENTS 191/2020 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM PETITIONERS/APPELLANTS: 1 FRIENDS LOGISTICS YETHIRB, P.B.NO.124, ALAPPUZHA-688001, REPRESENTED BY ITS MANAGING PARTNER SALEEM B.M. 2 SALEEM B.M., AGED 63 YEARS S/O. K.M.BAVAKUTY, YETHIRB, ALISSERY, ALAPPUZHA-688001. P.SHRIHARI MARY NITHIYA K.J RESPONDENTS/DEFENDANTS:

1 AUTHORIZED OFFICER & ASST. VICE PRESIDENT, FEDERAL BNK LTD. , LCRD-MAVELIKKARA DIVISION, FIRST FLOOR,

PADINJARETHALACKAL CHERIAN CHAMBERS, PUTHIYAKAVU, MAVELIKKARA, ALAPPUZHA-690101. 2 FEDERAL BANK LTD., MULLACKAL BRANCH, ALAPPUZHA-688011, REPRESENTED BY ITS BRANCH MANAGER. P.PAULCHAN ANTONY P V. SHRAVAN(K/1884/2020)

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION ON 08.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 8th day of November, 2022 This Original Petition was filed at a time when there was no regular sitting before the Debts Recovery Tribunal. Since it is reported that regular sitting has now commenced, nothing further survives for adjudication. This Original Petition is accordingly closed. Sd/- GOPINATH P. JUDGE RMV APPENDIX OF OP (DRT) 37/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF NOTICE DATED 11.1.2019 ISSUED BY 2ND RESPONDENT BANK TO SMT. RAJULA. Exhibit P2 TRUE COPY OF NOTICE DATED 22.1.2019 ISSUED BY ADVOCATE R.HEMALATHA, ALAPPUZHA. Exhibit P3 TRUE COPY OF DISCHARGE SUMMARY DATED 2.2.2019 ISSUED BY THE LAKESHORE HOSPITAL, ERNAKULAM. Exhibit P4 TRUE COPY OF OTS LETTER DATED 14.2.2019 SUBMITTED BY THE 2ND PETITIONER. Exhibit P5 TRUE COPY OF DEMAND NOTICE DATED 5.10.2019 UNDER SECTION 13(2) OF SARFAESI ACT. Exhibit P6 TRUE COPY OF POSSESSION NOTICE DATED 19.3.2020 UNDER SECTION 13(4) OF THE SARFAESI ACT AFFIXED IN THE PROPERTY OF 2ND PETITIONER AND SMT.RAJULA. Exhibit P7 TRUE COPY OF S.A.NO.191/2020 (WITHOUT ANNEXURES) ON THE FILE OF DRT-II, ERNAKULAM. Exhibit P8 TRUE COPY OF NOTICE DATED 5.1.2022 ISSUED BY THE ADVOCATE COMMISSIONER IN M.C.NO.306/2021 ON THE FILE OF HON'BLE CJM COURT, ALAPPUZHA. Exhibit P9 TRUE COPY OF SECTION 14 APPLICATION IN ALAPPUZHA FILED BY THE ADVOCATE FOR 2ND RESPONDENT. Exhibit P10 TRUE COPY OF AFFIDAVIT IN M.C.NO.306/2021 ON THE FILE OF HON'BLE CJM COURT, ALAPPUZHA FILED BY THE 1ST

RESPONDENT. Exhibit P11 TRUE COPY OF ORDER DATED 10.12.2021 IN ALAPPUZHA. Exhibit P12 TRUE COPY OF AMENDMENT PETITION FILED AS I.A.FILED WITH I.D.NO.479/2022 DATED 12.1.2022 ON THE FILE OF DRT-II, ERNAKULAM. Exhibit P13 TRUE COPY OF STAY PETITION FILED AS I.A. FILED WITH I.D.NO.480/2022 DATED 12.1.2022 ON THE FILE OF DRT- II, ERNAKULAM. TRUE COPY P.A.TO JUDGE

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