

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF JANUARY 2018 / 11TH MAGHA, 1939

WP(C) .No. 1698 of 2018

PETITIONER:

BINU E B.,
S/O.BHASKARAN, ETTUNGAPPADY HOUSE,
KANNAMBPARAMBU, ARUVAPPARA,
ERNAKULAM DISTRICT.

BY ADV.SMT.S.MUMTAZ

RESPONDENT:

THE FEDERAL BANK LTD.,
REP.BY THE AUTHORISED OFFICER,
FEDERAL CHAMBERS, A M ROAD,
PERUMBAVOOR - 683 542.

BY ADVS. SRI.LAWRENCE D'CUNHA
SRI.MATHEW BONSTANE
SRI.V.P.PRADEEPKUMAR
SRI.GODWIN JOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31-01-2018, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE ISSUED BY THE
RESPONDENT DATED 11/12/2017.

EXT.P2 TRUE COPY OF THE SALE NOTICE ISSUED BY THE
RESPONDENT DATED 5/1/2018.

EXT.P3 TRUE COPY OF REQUEST LETTER ISSUED BY THE
PETITIONER.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

mbr/

SHAJI P. CHALY, J.

W.P.(C) No.1698 of 2018

Dated this the 31st day of January, 2018

J U D G M E N T

This writ petition is filed by the petitioner seeking the following reliefs:

- (i) issue a writ of certiorari and call for the entire records leading to the issuance of Ext.P2 notice and quash the same illegal.
- (ii) give direction to the respondent to pass orders on Ext.P3 as expeditiously as possible.
- (iii) pass such other orders which are incidental and proper in the interest of justice.

2. Action was initiated by the bank against the pledged goods like dried ginger. Today when the matter is taken up, learned counsel for respondent bank submitted that, the sale did not take place in accordance with Ext.P1 notice and therefore, fresh notice will be issued to the petitioner. Fresh steps shall be taken by carrying out paper publication.

3. In that view of the matter, I am of the considered opinion that, the relief sought for by the petitioner in this

writ petition has become infructuous. Therefore, the writ petition is disposed of, recording the submission that fresh steps will be taken by the bank in order to proceed against the pledged goods.

Sd/-
SHAJI P. CHALY
JUDGE

smv
31.1.2018