

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

FRIDAY, THE 29<sup>TH</sup> DAY OF DECEMBER 2023 / 8TH POUSHA, 1945

OP (DRT) NO. 562 OF 2023

AGAINST THE ORDER/JUDGMENT SA 49/2022 OF DEBT RECOVERY

TRIBUNAL- 2, ERNAKULAM

PETITIONERS/APPLICANT:

SHINE P JACOB,  
AGED 52 YEARS, S/O P.M JACOB,  
POOVANNUMMOOTTIL HOUSE, T B JUNCTION,  
PUNALUR P.O, KOLLAM, PIN - 691305

BY ADVS.

ALEXANDER JOSEPH  
AKHILASREE BHASKARAN  
ANTONY NIKHIL REMELO

RESPONDENTS/DEFENDANTS:

- 1 THE DEBT RECOVERY TRIBUNAL -II , ERNAKULAM,  
REPRESENTED BY ITS REGISTRAR, KSHB, PANAMPILLY  
NAGAR, ERNAKULAM DISTRICT, PIN - 682036
- 2 THE AUTHORISED OFFICER/CHIEF MANAGER,  
THE SOUTH INDIAN BANK, REGIONAL OFFICE,  
YWCA BUILDING MG ROAD, STATUE,  
THIRUVANATHAPURAM, PIN - 695014
- 3 THE BRANCH MANAGER,  
THE SOUTH INDIAN BANK, PATHANAPURAM BRANCH,  
PATHANAPURAM, KOLLAM DISTRICT, PIN - 689695
- 4 THE DEBT RECOVERY APPELLATE TRIBUNAL, CHENNAI,  
REPRESENTED BY ITS REGISTRAR, DEBT RECOVERY  
APPELLATE TRIBUNAL, DRAT, SHASTRI BHAVAN,  
7TH FLOOR, ADDITIONAL, HADDOWS ROAD, CHENNAI,  
PIN - 600006

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR  
ADMISSION ON 29.12.2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**G. GIRISH, J.**

-----  
**OP(DRT) No.562 of 2023**  
-----

**Dated this the 29<sup>th</sup> day of December, 2023**

**JUDGMENT**

The learned counsel appearing for the petitioner submitted that there is no need to proceed with this OP(DRT), since the matter has become infructuous. It is submitted by the learned counsel appearing for the respondent Nos.2 to 4 that the sale did not materialize for want of bidders.

Having regard to the above submissions at the bar, the further proceedings in this OP(DRT) stand closed.

Sd/-

**G. GIRISH  
JUDGE**

nvj

**APPENDIX OF OP (DRT) 562/2023**

**PETITIONER EXHIBITS**

EXHIBIT P1	TRUE COPY OF THE POSSESSION NOTICE DATED 24/01/2022 ISSUED BY THE 2ND RESPONDENT
EXHIBIT P2	TRUE COPY OF THE NOTICE DATED 17/06/2022 ISSUED BY THE ADVOCATE COMMISSIONER TO THE PETITIONER
EXHIBIT P3	TRUE COPY OF THE AMENDED SA NO. 49/2022 (EXCLUDING ANNEXURES) FILED BEFORE THE 1ST RESPONDENT TRIBUNAL
EXHIBIT P4	TRUE COPY OF THE LAWYER NOTICE DATED 22/11/2023 ISSUED BY THE PETITIONER TO THE RESPONDENTS 2-4
EXHIBIT P5	TRUE COPY OF THE TENDER CUM AUCTION NOTICE DATED 22/11/2023 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
EXHIBIT P6	TRUE COPY OF THE NOTICE PUBLISHED BY THE 2ND RESPONDENT IN THE MALAYALA MANORAMA DAILY DATED 22/11/2023
EXHIBIT P7	TRUE COPY OF THE AMENDMENT PETITION (IA NO 3891/2023) IN SA NO 49/2022) (EXCLUDING ANNEXURES) FILED BEFORE THE 1ST RESPONDENT TRIBUNAL
EXHIBIT P8	TRUE COPY OF THE STAY PETITION (IA NO 3888/2023 IN SA NO 49/2022) FILED BEFORE THE 1ST RESPONDENT

TRIBUNAL

EXHIBIT P9 TRUE COPY OF THE ADVANCE PETITION  
(IA NO 3887 /2023 IN SA NO 49/2022)  
FILED BEFORE THE 1ST RESPONDENT  
TRIBUNAL

EXHIBIT P10 TRUE COPY OF THE PROCEEDINGS OF THE  
1ST RESPONDENT TRIBUNAL DOWNLOADED  
FROM ITS WEBSITE

EXHIBIT P11 TRUE COPY OF THE JUDGMENT DATED  
08/12/2023 IN OP(DRT) NO 522/2023  
OF THIS HON'BLE COURT

EXHIBIT P12 TRUE COPY OF THE IA NO 3992/2023 IN  
SA NO 49/2022 OF THE 1ST RESPONDENT  
TRIBUNAL

EXHIBIT P13 TRUE COPY OF THE COUNTER AFFIDAVIT  
DATED 18/12/2023 OF THE 1ST  
RESPONDENT IN IA NO 3888/2023 IN SA  
NO 49/2022 WITH DOCUMENTS

EXHIBIT P14 TRUE COPY OF THE PROCEEDING DATED  
20/12/2023 OF THE 1ST RESPONDENT  
TRIBUNAL DOWNLOADED FROM THE  
WEBSITE OF THE 1ST RESPONDENT  
TRIBUNAL

EXHIBIT P15 TRUE COPY OF THE ORDER DOWNLOADED  
FROM THE WEBSITE OF THE 1ST  
RESPONDENT TRIBUNAL ON 22/12/2023

RESPONDENTS EXHIBITS :NIL

//TRUE COPY//

PA TO JUDGE