

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

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

OP (DRT) NO. 566 OF 2023

AGAINST THE ORDER/JUDGMENT IN SA 250/2020 OF DEBT RECOVERY TRIBUNAL-
2, ERNAKULAM

RA 3/2023 OF DEBT RECOVERY TRIBUNAL- 2, ERNAKULAM

PETITIONER/PETITIONER/APPLICANT IN R.A AND S.A:

PRASAD

AGED 62 YEARS

S/O.DIVAKARAN, PROPRIETOR, M/S.AZAD VEHICLE FINANCE &
HIRE PURCHASE, CHOICE BUILDING, K.S.PURAM P.O,
KARUNAGAPPALLY, KOLLAM DISTRICT, PIN - 690544.

BY ADVS.

V.PHILIP MATHEWS

ASHISH MATHEW JOHN

RESPONDENTS/RESPONDENTS/DEFENDANTS IN R.A. AND S.A.:

- 1 CSB BANK LTD
PUTHIYAKAVU BRANCH, KARUNAGAPALLY, KOLLAM DISTRICT-
REPRESENTED BY ITS CHIEF MANAGER, PIN - 690544.
- 2 THE AUTHORIZED OFFICER
CSB BANK LTD, ZONAL OFFICE, MALANKARA BUILDING COMPLEX
PALAYAM, THIRUVANANATHAPURAM, PIN - 695034.

SC,CSB BANK - SRI.K.P.SUJESH KUMAR

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

²
G.GIRISH, J.

OP(DRT) No.566 of 2023

Dated this the 29th day of December, 2023

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. It is brought to my notice that a review petition filed by the petitioner before the Debt Recovery Tribunal-2, Ernakulam as R.A.No.3/2023 in S.A.No.250/2020 (Ext.P7) stands posted for further proceedings to 16.02.2024. It appears that the recovery of the property, before the Debt Recovery Tribunal takes a decision on that review petition, may not be just and reasonable.

Therefore, there will be an interim stay of further proceedings pursuant to Ext.P9 till the review petition (Ext.P7) is disposed of by the Debt Recovery Tribunal-2, Ernakulam. In the meanwhile, the petitioner shall make every endeavour to have substantial payment of the outstanding debt.

Sd/-

**G.GIRISH
JUDGE**

APPENDIX OF OP (DRT) 566/2023

PETITIONER'S EXHIBITS

Exhibit P1	TRUE COPY OF POSSESSION NOTICE DATED 30-11-2020 ISSUED BY THE SECOND RESPONDENT.
Exhibit P2	TRUE COPY OF THE ORDER DATED 20-12-2021 PASSED BY CHIEF JUDICIAL MAGISTRATE COURT KOLLAM IN MC 222/2021.
Exhibit P3	TRUE COPY OF AMENDED S.A NO. 250/2020 FILED BY PETITIONER BEFORE DRT-2.
Exhibit P4	TRUE COPY OF THE WRITTEN STATEMENT FILED BY RESPONDENTS.
Exhibit P5	TRUE COPY OF THE NOTICE RECEIVED BY THE PETITIONER INFORMING HIM THAT S.A WOULD BE POSTED FOR CONSIDERATION IN THE ADHALATH ON 10-06-2023.
Exhibit P6	TRUE COPY OF THE ORDER DATED 12-07-2023 PASSED BY THE DRT-2, ERNAKULAM IN S.A.NO.250/2020.
Exhibit P7	TRUE COPY OF REVIEW APPLICATION NO.3/2023 FILED BY THE PETITIONER BEFORE DRT-2, ERNAKULAM.
Exhibit P8	TRUE COPY OF THE PROCEEDINGS IN R.A. 3/2023 ON 20-12-2023 DOWNLOADED FROM WEBSITE.
Exhibit P9	TRUE COPY OF THE NOTICE DATED 22-12-2023 BY ASHA SURESH ADVOCATE COMMISSIONER.
Exhibit P10	TRUE COPY OF THE I.A NO.4220/2023 BEFORE THE DRT-2 ERNAKULAM ON 26-12-2023 FOR ADVANCING THE R.A.
Exhibit P11	TRUE COPY OF I.A FOR STAY OF DISPOSSESSION (NOT NUMBERED - I D NUMBER 18185).
Exhibit P12	TRUE COPY OF THE DEPOSIT PAY-IN-SLIP 27-12-2023 REGARDING PAYMENT OF RS.30 LAKHS IN CATHOLIC SYRIAN BANK LTD, PUTHIYAKAVU BRANCH, KARUNAGAPPALLY.