

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

MONDAY, THE 9TH DAY OF OCTOBER 2023 / 17TH ASWINA, 1945

OP (DRT) NO. 402 OF 2023

AGAINST THE ORDER/JUDGMENT SA 270/2021 OF DEBT RECOVERY TRIBUNAL -
2, ERNAKULAM

PETITIONERS:

- 1 A.M.K EXPORTS
CHERIYALA ALUMMOODU, THAZHAMPANA, KOLLAM, KERALA,
REPRESENTED BY ITS PROPRIETOR SHAHALUDHEEN A.K, PIN -
691577
- 2 SHAHALUDHEEN A K
THAZHAMPANA, MUKHATHALA, ALUMMOODU P.O, KOLLAM, KERALA,
PIN - 691577
- 3 NASEERA L
ELLUVILAYIL BUKHARY PALACE, KUTTICHIRA, TKMC P.O,
KOTTAMKARA, KOLLAM, PIN - 691005
- 4 RAJINA A
FIRDOUSE, NEAR MVGS PEROOR, TKMC P.O, KOTTAMKARA
KOLLAM, PIN - 691005
- 5 NAZIM S
CHARUVILA PUTHEN VEEDU, PEROOR, TKMC P.O., KOTTAMKARA
KOLLAM, PIN - 691005
- 6 MUBEENA S
CHARUVILA PUTHEN VEEDU, PEROOR, TKMC P.O., KOTTAMKARA
KOLLAM, PIN - 691005
- 7 SHAHJAHAN A K
ELLUVILAYIL BUKHARY PALACE, KUTTICHIRA, T KMC P.O.,
KOTTARAKARA, KOLLAM, PIN - 691005

BY ADVS.
B.J.JOHN PRAKASH
P.PRAMEL
COLIN ALEX
S00RAJ M.S.

RESPONDENTS:

- 1 SOUTH INDIAN BANK
REPRESENTED BY THE AUTHORISED OFFICER, KOLLAM
BRANCH, KOLLAM, PIN - 691001
- 2 THE MANAGING DIRECTOR
M/S ASSET RECONSTRUCTION COMPANY (INDIA) LIMITED,
THE RUBY, 10TH FLOOR, 29, SENAPATI BAPAT MARG,
DARDAR (WEST), MUMBAI, PIN - 400028

BY ADVS.
B.S.SURESH KUMAR -STANDING COUNSEL
ASHLEY JOHN(K/000719/2015)

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR
ADMISSION ON 09.10.2023, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

K.BABU, J.

OP(DRT).No.402 of 2023

Dated this the 09th day of October, 2023

J U D G M E N T

The prayers in this OP(DRT) are as follows:-

“a) To call for records leading to Exhibit P3 and stay all further proceedings pursuant thereto until Exhibit P2 and Exhibit P4 applications are considered on merits and disposed of by the Hon'ble DRT-II Ernakulam.

b) pass such other orders as are deemed just and necessary in the facts and circumstances of the case.”

2. Heard both sides.

3. This Court obtained a report from the Debts Recovery Tribunal-2, Ernakulam on the time required for the disposal of Ext.P2 amendment application and Ext.P4 stay petition in S.A. No.270/2021 pending before the Tribunal. It is reported that the Tribunal requires one month's time for the disposal of Ext.P2 amendment application and Ext.P4 stay petition. Hence, the Tribunal is directed to dispose of Ext.P2 amendment application

and Ext.P4 stay petition within a period of one month from this date.

4. The proceedings under the SARFAESI Act initiated against the petitioners shall be kept in abeyance for a period of one month from this day.

The OP (DRT) is disposed of as above.

SMF

Sd/-
K.BABU,
JUDGE

APPENDIX OF OP (DRT) 402/2023

PETITIONER EXHIBITS

EXHIBIT-P1	TRUE COPY OF S.A NO. 270 OF 2021, WITHOUT THE ANNEXURES
EXHIBIT-P2	TRUE COPY OF THE AMENDMENT APPLICATION NO. I.A. NO. 1899 OF 2023 DATED 27.05.2023, WITH THE ANNEXURES
EXHIBIT-P3	THE TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 19.09.2023
EXHIBIT-P4	TRUE COPY OF THE STAY PETITION NUMBERED AS I.A. NO. 3100 OF 2023 IN S.A NO. 270 OF 2021
EXHIBIT-P5	THE TRUE COPY OF THE URGENT HEARING PETITION I.A. NO. 3099 OF 2023 FILED BY THE PETITIONER DATED 20.09.2023 IN S.A NO. 270 OF 2021
EXHIBIT-P6	TRUE COPY OF THE WRITTEN STATEMENT DATED 27.09.2023 FILED BY THE 2ND RESPONDENT
EXHIBIT-P7	TRUE COPY OF THE COUNTER AFFIDAVIT IN EXHIBIT-P4 FILED BY THE 2ND RESPONDENT

//TRUE COPY// PA TO JUDGE