

Biju O.C.Vs State Bank Of India

Court: High Court Of Kerala

Date of Decision: Jan. 31, 2025

Hon'ble Judges: Dr. Kauser Edappagath, J

Bench: Single Bench

Advocate: Mahesh V.Menon, Tom K. Thomas

Final Decision: Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. The Petitioner Faces Proceedings Under The Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act,

2002, (Sarfaesi Act), To Recover Amounts Due Under Credit Facilities Availed By The Petitioner From The Respondent Bank. The Petitioner Has

Approached This Court Being Aggrieved By The Fact That When The Securitisation Application Filed By The Petitioner Challenging The

Proceedings Along With An Application For Stay And An Application For Appointment Of An Advocate Commissioner Is Pending Consideration Of

The Tribunal, The Advocate Commissioner Appointed By The Chief Judicial Magistrate Court, Thrissur, Is Proposing To Take Physical Possession

Of The Secured Assets. It Is Submitted That Though The Petitioner Attempted To Have The Matter Advanced By Filing An Application, The Said

Application Was Also Dismissed By The Tribunal.

2. The Learned Counsel Appearing For The Respondent Bank Submits That The Application For Advancing The Case Has Actually Been Allowed

By The Tribunal, And The Matter Is Now Listed For Consideration On 04-02-2025.

3. Having Heard The Learned Counsel Appearing For The Petitioner And The Learned Counsel Appearing For The Respondent Bank And Taking

Into Consideration The Fact That The Interlocutory Applications Filed By The Petitioner Before The Tribunal Are Listed For Consideration On 04-02-

2025, I Am Of The Opinion That No Further Orders Are Necessary In This Original Petition. I Make It Clear That The Taking Of Physical Of The

Secured Assets Shall Stand Adjourned Till 04-02-2025. Thereafter The Petitioner Will Be Governed By Orders To Be Issued By The Tribunal.

The Original Petition Will Stand Disposed Of As Above. I Make It Clear That I Have Not Expressed Any Opinion On The Merits Of The Matter.