



WP(C) NO. 3923 OF 2025 1

2025:KER:10874

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 10TH DAY OF FEBRUARY 2025 / 21ST MAGHA, 1946

WP(C) NO. 3923 OF 2025

PETITIONER/S:

M/S. HIGHNESS FRP INDUSTRIES,
AGED 44 YEARS
ARAKKAPADY, VENGOLA, PERUMBAVOOR, KAITHAKADU,
PATTIMATTOM, ERNAKULAM DISTRICT REPRESENTED BY
ITS PROPRIETOR, SATHAR M.M., S/O. MUHAMMED,
MANAKKAKUDY HOUSE, KAITHAKKADU KARA, PATTIMATTOM
P.O., ERNAKULAM DISTRICT, PIN - 683565

BY ADVS.
PAUL K.VARGHESE
A.A.GEETHA

RESPONDENT/S:

- 1 THE SOUTH INDIAN BANK,
REGIONAL OFFICE, INFO PARK ROAD, RAJAGIRI VALLEY,
KAKKANAD, ERNAKULAM, REPRESENTED BY ITS
AUTHORIZED OFFICER, PIN - 682039
- 2 THE SOUTH INDIAN BANK,
PERUMBAVOOR BRANCH, ERNAKULAM DISTRICT,
REPRESENTED BY ITS BRANCH MANGER, PIN - 683542

BY ADV P.A.AUGUSTINE AREEKATTEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10.02.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner faces proceedings under the SARFAESI Act to recover the amount due under an overdraft facility availed by the petitioner from the respondent bank. The petitioner had put forth certain proposals before the bank for renewal of the facility. However, the proposal filed by the petitioner was rejected by the bank.

2. Faced with this situation, learned counsel for the petitioner submitted that the petitioner may be permitted to approach the Debts Recovery Tribunal under Section 17 of the SARFAESI Act and the writ petition may be closed to approach the Debts Recovery Tribunal.

3. Having heard learned counsel for the petitioner and the learned counsel appearing for the bank, this writ petition is closed reserving the liberty of the petitioner to approach the Debts Recovery Tribunal by filing a Securitisation Application under Section 17 of the SARFAESI Act. Further proceedings under the SARFAESI Act shall remain suspended for a period of 10 days from today



to enable the petitioner to approach the Tribunal and seek appropriate interim reliefs. I make it clear that I have not expressed any opinion on the merits of the matter and the Tribunal is free to take appropriate decision on the application for interim/final relief.

The writ petition is ordered accordingly.

sd/

GOPINATH P.

JUDGE

jm/



APPENDIX OF WP(C) 3923/2025

PETITIONER EXHIBITS

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|-------------------|--|
| Exhibit P1 | TRUE COPY OF THE POSSESSION NOTICE
ISSUED BY THE 1ST RESPONDENT TO THE
PETITIONER DATED 18.10.2024. |
| Exhibit P2 | TRUE COPY OF THE REPLY NOTICE ISSUED BY
THE PETITIONER TO THE RESPONDENT DATED
28.11.2024. |
| Exhibit P3 | TRUE COPY OF THE LETTER ISSUED BY THE
1ST RESPONDENT TO THE PETITIONER'S
COUNSEL DATED 10.12.2024. |
| Exhibit P4 | TRUE COPY OF THE RELEVANT PAGES OF THE
AUDITED ACCOUNT STATEMENT OF THE
PETITIONERS FOR THE PERIOD 2021-2022. |
| Exhibit P5 | TRUE COPY OF THE RELEVANT PAGES OF THE
AUDITED ACCOUNT STATEMENT OF THE
PETITIONER FROM THE PERIOD 2022-2023. |