



2025:KER:17192

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 25TH DAY OF FEBRUARY 2025 / 6TH PHALGUNA, 1946

WP(C) NO. 6295 OF 2025

PETITIONERS:

- 1 SIVAN PILLAI,
AGED 75 YEARS
S/O. V.N. NARAYANA PILLAI, RESDIDING AT VAYALIL
GARDENS, COLLECTORATE P.O., KOTTAYAM, PIN - 686002
- 2 GEETHA SIVAN PILLAI,
AGED 72 YEARS
W/O. SIVAN PILLAI, RESDIDING AT VAYALIL GARDENS,
COLLECTORATE P.O., KOTTAYAM, PIN - 686002

BY ADVS.
RAJAN P.KALIYATH
SHEEJA P.D.

RESPONDENTS:

- 1 SOUTH INDIAN BANK LTD.,
REGIONAL OFFICE, FIRST FLOOR, REGENCY TOWERS, K.K. ROAD,
COLLECTORATE P.O., KOTTAYAM, REP. BY THE CHIEF MANAGER,
PIN - 686002
- 2 SENIOR MANAGER,
COLLECTION & RECOVERY DEPT., SOUTH INDIAN BANK LTD.,
REGIONAL OFFICE, FIRST FLOOR, REGENCY TOWERS, K.K.
ROAD, COLLECTORATE P.O., KOTTAYAM, PIN - 686002

BY ADVS.
Sunil Shankar A
VIDYA GANGADHARAN(K/000424/2020)
JERIN GEORGE(K/863/2023)

SRI. SUNIL SHANKER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

Having heard the learned counsel for the petitioners and the learned counsel appearing for the respondent bank, I am of the view that since the proceedings are only at a stage of symbolic possession, it is for the petitioner to challenge the proceedings [if so advised] by filing of a securitization application under section 17 of the SARFAESI Act. Reserving liberty of the petitioners to do so, this Writ Petition will stand closed.

sd/-
GOPINATH P.
JUDGE

Nsd



APPENDIX OF WP(C) 6295/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF LETTER DTD. 18.07.2024 ISSUED BY THE 2ND RESPONDENT
Exhibit P2	A TRUE COPY OF REPLY DATED 25.07.2024
Exhibit P3	A TRUE COPY OF THE NOTICE DATED 11.09.2024
Exhibit P4	A TRUE COPY OF THE LETTER DTD. 26.12.2024 ADDRESSED TO THE SECOND RESPONDENT
Exhibit P5	A TRUE COPY OF THE RULE 8(1) POSSESSION NOTICE DTD. 31.1.2025