

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5983 OF 2013  
(ARISING OUT OF SLP(C) NO. 10074/2009)

K.J. JOSEPH

Appellant(s)

VERSUS

STATE BANK OF TRAVANCORE & ANR.

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

We find no reason to keep this matter pending.

Learned counsel appearing for the appellant submitted that they have already moved an application before the Debt Recovery Tribunal, Earnakulam which has been produced as Annexure P-8 herein.

We are informed that no decision has been taken by the Debt Recovery Tribunal, Earnakulam on that application. It is under such circumstances, the appellant approached the High Court by filing the writ petition. The High Court, on 27.08.2008, disposed of the writ petition giving following directions:-

"i) The recovery officer shall consider Exhibit P9 only to the limited extent of ascertaining whether the sale of the whole property is necessary to recover the amount due from the petitioner, for realisation of which, the property is sought to be sold.

ii) On ascertaining the same, if the recovery officer finds that it is sufficient if a portion of the property is sold, necessary proclamation shall be issued to carry out such decision.

iii) The recovery officer shall also consider the question as to whether the sale of the property can be had in lots.

iv) The petitioner shall submit all the necessary facts before the recovery officer in support of his contention within a period of three weeks from today.

v) The recovery officer need not afford an opportunity of being heard to the petitioner since the petitioner waives any such right to enable him to get the relief sought for in the Writ Petition which otherwise as of a right he may not be entitled to."

We are of the view that since the matter is pending for a number of years, we feel it appropriate to give a direction to the Recovery Officer, Debt Recovery Tribunal, Earnakulam to pass appropriate orders on the application pending before it within a

period of one month from the date of receipt of a copy of this order, after giving an opportunity of hearing to the appellant as well as to the respondent-Bank.

We make it clear that any decision taken by the Recovery Officer, Debts Recovery Tribunal, Ernakulam, would be final so far as the appellant is concerned.

Even if a private sale is ordered by the Recovery Officer, the same will be only in the presence of the Bank officials.

The appeal is disposed of, as above.

.....J.  
[K.S. RADHAKRISHNAN]

.....J.  
[PINAKI CHANDRA GHOSE]

NEW DELHI;  
JULY 19, 2013

ITEM NO.203

COURT NO.8

SECTION XIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).10074/2009

(From the judgement and order dated 27/08/2008 in WPC No.25405/2008 of The HIGH COURT OF KERALA AT ERNAKULAM)

K.J.JOSEPH

Petitioner(s)

VERSUS

STATE BANK OF TRAVANCORE & ANR.

Respondent(s)

(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

Date: 19/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN  
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Ms. Kiran Suri,Adv.  
Ms. Ritika Gambhir,Adv.  
Mr. Nakibir Rahman Barbhuiya,Adv.

For Respondent(s) Mr. A.V. Rangam,Adv.  
Mr. Buddy R. Ranganadnan,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel for the parties.  
Leave granted.  
The appeal is disposed of in terms of the signed order.

| (NARENDRA PRASAD)  
| COURT MASTER

| | (RENUKA SADANA)  
| | COURT MASTER

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(Signed order is placed on the file)