

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 5TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C).NO.31179 OF 2019

PETITIONER/PETITIONER :

SABU JACOB, S/O.JACOB, AGED 55 YEARS,
KILIATTU HOUSE, KUDAMALLOOR P.O., KOTTAYAM.

BY ADV.GEORGEKUTTY (PUTHANANGAADY)

RESPONDENTS/ RESPONDENTS :

1. JM FINANCIAL ASSET CONSTRUCTION COMPANY LIMITED, 7TH FLOOR CNERY, APPASAHEB MARRATHE MARG, PRABHADEVI, MUMBAI - 400 066, REPRESENTED BY ITS AUTHORISED OFFICER (CLAIM PETITIONER IN E.A.NO.849 OF 2017)
2. DR.JOHN JOSEPH, S/O. JOSEPH, VILAVINAL ASHIRVAD, DOOR NO.32/2611, NATIONAL HIGHWAY, PALARIVATTOM, KOCHI - 25.
3. JOJI JOHN, S/O.DR. JOHN JOSEPH, VILAVINAL ASHIRVAD, DOOR NO.32/2611, NATIONAL HIGHWAY, PALARIVATTOM, KOCHI - 25.
4. SUSY JOHN, W/O.DR. JOHN JOSEPH, VILAVINAL ASHIRVAD, DOOR NO.32/2611, NATIONAL HIGHWAY, PALARIVATTOM, KOCHI - 25.
5. ABEY JOJI, W/O.JOJI JOHN, VILAVINAL ASHIRVAD, DOOR NO.32/2611, NATIONAL HIGHWAY, PALARIVATTOM, KOCHI - 25.
6. DR.JOHN JOSEPH, MANAGING DIRECTOR, GIE PLANTATIONS PVT. LTD, VILAVINAL ASHIRVAD, DOOR NO.32/2611, NATIONAL HIGHWAY, PALARIVATTOM, KOCHI - 25.
7. BIJU MATHEW ABRAHAM, S/O.MATHEW ABRAHAM, NANAVEETIL PUTHENPARAMBIL HOUSE, KOZHENCHERRY EAST P.O., PATHANAMTHITTA,

WPC 31179/2020

: 2 :

NOW RESIDING AT 164 HILL ROAD,
15TH FLOOR, EVEREST TOWERS, BANDRA WEST,
MUMBAI (DECREE HOLDER)

THIS WRIT PETITION HAVING COME UP FOR
ADMISSION ON 05.05.2020, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

ORDER

~ ~ ~ ~ ~

Dated this the 5th day of May, 2020

This is an interim application dated 21.04.2020 filed in WP(C) No. 31179/2020 seeking a stay of all further proceedings proposed by the first respondent under Ext.P6 till the disposal of this writ petition. On account of the lock down, this matter was taken up through video conferencing.

I have heard Adv. Sri. P.I. Georgekutty for the petitioner as well as Adv. Sri. Madhu Radhakrishnan on behalf of the first respondent. It is submitted by the learned counsel for the first respondent that no proceedings have been initiated by the bank for sale of the properties under Ext.P6 especially during the lock down and the apprehensions of the petitioner are not justified. Since there are no proceedings now being initiated for the sale of the properties covered by Ext.P6, I deem it just that the said

WPC 31179/2020

: 4 :

submission is recorded and this I.A. be closed. Ordered accordingly. The submission as mentioned above is recorded.

**BECHU KURIAN THOMAS
JUDGE**

ncd

APPENDIX

PETITIONER'S EXHIBITS :

- EXHIBIT P1 : THE TRUE COPY OF THE DECREE IN O.S.NO.228 OF 2012 OF THE SUB COURT, ERNAKULAM
- EXHIBIT P2 : THE TRUE COPY OF THE ORDER IN I.A.NO.1409 OF 2017, PASSED BY THE SUB JUDGE, KOTTAYAM DATED 20.12.2017.
- EXHIBIT P3 : THE TRUE COPY OF THE CLAIM PETITION, E.A.NO.849 OF 2017 DATED 25.09.2017.
- EXHIBIT P4 : THE TRUE COPY OF THE ORDER IN E.A.NO.849/2017 IN E.P.NO.219/12 OF SUB COURT, ERNAKULAM DATED 11.12.2018.
- EXHIBIT P5 : THE TRUE COPY OF THE JUDGMENT IN O.P. (C).NO.217 OF 2019 OF THIS HON'BLE COURT DATED 25.02.2019.
- EXHIBIT P6 : TRUE COPY OF THE POSSESSION NOTICE BY 1ST RESPONDENT DATED 09.10.2019.
- EXHIBIT P7 : THE TRUE COPY OF THE COMMUNICATION BY R1 DATED 27.12.2019.
- EXHIBIT P8 : TRUE COPY OF THE REGISTER OF PARTNERSHIP FIRM FOR REGISTER OF GIE PLANTATIONS.
- EXHIBIT P9 : THE NEWS IN RESPECT OF BAN BY RBI RELEASED IN ECONOMIC TIMES DATED 07.12.2019.
- EXHIBIT P10 : THE E-COURT REPORT OF THE CASE O.S.NO.28 OF 2019 OF SUB COURT, KOTTAYAM.