



OP (DRT) NO. 254 OF 2023 1 2025:KER:36552
IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 27th DAY OF MAY 2025 / 6TH JYAISHTA, 1947

OP (DRT) NO. 254 OF 2023

AGAINST THE ORDER DATED 23.06.2023 IN IA 1967/2023 IN
OA NO.349 OF 2023 OF DEBTS RECOVERY TRIBUNAL- 2, ERNAKULAM
PETITIONER/2nd RESPONDENT/2nd DEFENDANT IN S.A.:

P.RAMEELA BEEVI, AGED 62 YEARS,
W/o ABDUL SALAM, KODIYIL HOUSE, VENGA.P.O.,
SASTHAMKOTTA, KOLLAM, PIN - 690521

BY ADV P.R.MILTON

RESPONDENTS/PETITIONERS/APPLICANTS IN SA:

- 1 THE REGISTRAR,
DEBTS RECOVERY TRIBUNAL-II,
KERALA HOUSING BOARD BUILDING.
PANAMPALLY NAGAR, ERNAKULAM,
COCHIN, PIN - 682036
- 2 THE CHIEF MANAGER,
UCO BANK, ZONAL OFFICE,
S.R.COMPLEX, ERNAKULAM,
COCHIN, PIN - 682016
- 3 THE CHIEF MANAGER,
UCO BANK, PAMPURAM BRANCH,
SRI.SRI. BUILDING, NEAR ESI MEDICAL COLLEGE,
PARIPPALLHY, KOLLAM, PIN - 691574



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BY ADVS. N.J.ASHWIN
SRI.DEEPAK JOY K., SC, UCO BANK
SRI. S. MANU

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR
HEARING ON 27.05.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



JUDGMENT

The original petition challenges Ext.P6 order, an order passed by the Debts Recovery Tribunal-2, Ernakulam, in I.A.No.1966/2023 and I.A.No.1967/2023, appointing an Advocate Commissioner to take custody of 'B' schedule vehicle of the petitioner and to place it in the interim custody of the bank until further orders of the Tribunal.

2. Upon admission of the original petition, an interim order was passed by this court on 07.07.2023, staying the operation of Ext.P6 to the extent it permitted the Advocate Commissioner to take custody of the 'B' schedule vehicle. The said order of this court was challenged in SLP (C)No.20387/2023, which by order dated 15.07.2024 was varied as follows:

“We are informed that O.P.(DRT) No.254 of 2023 is still pending before the High Court.

In the facts and circumstances of the present case, we permit Advocate Commissioner to proceed in accordance with law. The impugned order is varied to this extent.



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Recording the aforesaid, the special leave petition is disposed of.

However, all rights and contentions of the parties are left open.”

3. Learned Standing Counsel for the bank submits that the petitioner herein had surrendered the vehicle and the bank had sold the same. This is recorded. It is submitted by the learned Counsel appearing on both sides that the O.A. is still pending consideration.

4. Given the above order of the Supreme Court and the subsequent event of surrender of the vehicle in question, nothing further remains to be considered in this original petition, and the same is disposed of, leaving open all the contentions of the parties to be agitated before the Tribunal.

The original petition is disposed of accordingly.

Sd/-

MOHAMMED NIAS C.P.

JUDGE

DMR/-



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APPENDIX OF OP (DRT) 254/2023

PETITIONER'S EXHIBITS

- Exhibit P1** TRUE COPY OF ORIGINAL APPLICATION NO. 349/2023 FILED BY UCO BANK BEFORE THE DEBTS RECOVERY TRIBUNAL-2, ERNAKULAM WITHOUT ANNEXURES DATED 3.6.2023
- Exhibit P2** TRUE COPY OF PETITION AS I.A. NO. 1966/2023 IN O.A. NO. 349/2023 FILED BY UCO BANK BEFORE THE DEBTS RECOVERY TRIBUNAL-2, ERNAKULAM DATED 7.6.2023
- Exhibit P3** TRUE COPY OF PETITION AS I.A. NO. 1967/2023 IN O.A. NO. 349/2023 FILED BY UCO BANK BEFORE THE DEBTS RECOVERY TRIBUNAL-2, ERNAKULAM DATED 7.6.2023
- Exhibit P4** TRUE COPY OF COUNTER AFFIDAVIT FILED BY THE PETITIONER AND OTHERS IN I.A. NO. 1966/2023 IN S.A. NO. 349/2023 BEFORE THE DEBTS RECOVERY TRIBUNAL-II, ERNAKULAM DATED 20.6.2023
- Exhibit P5** TRUE COPY OF COUNTER AFFIDAVIT FILED BY THE PETITIONER AND OTHERS IN I.A. NO. 1967/2023 IN S.A. NO. 349/2023 BEFORE THE DEBTS RECOVERY TRIBUNAL-II, ERNAKULAM DATED 20.6.2023
- Exhibit P6** TRUE COPY OF THE COMMON ORDER DATED 23.6.2023 ISSUED BY THE FIRST RESPONDENT TRIBUNAL IN I.A. NO. 1966/2023 AND I.A. NO. 1967/2023 IN O.A. NO. 349/2023
- Exhibit P7** TRUE COPY OF STATEMENT OF ACCOUNT FOR THE PERIOD OF 17.3.2023 TO 23.5.2023 ISSUED BY THE RESPONDENT BANK



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Exhibit P8 TRUE COPY OF NOTICE NO.
UCO/PAMPUR/MISC/2023-24 DATED 17.6.2023
ISSUED BY THE RESPONDENT BANK

Exhibit P9 TRUE COPY OF PROPOSAL DATED 26.6.2023
SENT BY THE PETITIONER TO THE RESPONDENT
BANK DATED 26.6.2023

RESPONDENTS' EXHIBITS

EXHIBIT R2[A] THE SANCTION LETTER DATED 29.06.2022
EVIDENCING THE SANCTION OF CREDIT
FACILITIES TO M/S. ARAFA GOLD AND
DIAMONDS PRIVATE LIMITED

EXHIBIT R2[B] THE SANCTION LETTER DATED 04.03.2022
EVIDENCING SANCTION OF CREDIT FACILITIES
TO M/S. R.R.ARAFA GOLD

EXHIBIT R2[C] THE SANCTION LETTER DATED 31.10.2022
EVIDENCING SANCTION OF CREDIT FACILITIES
TO M/S. ZOYA GOLD

EXHIBIT R2[D] THE HYPOTHECATION AGREEMENT DATED
17.03.2023

EXHIBIT R2[E] THE APPLICATION FOR TEMPORARY
REGISTRATION DATED NIL

EXHIBIT R2[F] THE RECALL NOTICE DATED 25.05.2023
ISSUED BY THE BANK

EXHIBIT R2[G] THE LETTER DATED 27.06.2023 ISSUED BY
THE BANK

// TRUE COPY //
P.A. TO JUDGE