

**(Editor: INTERIM ORDER AGAINST THE JUDGMENT OF HIGH COURT OF KERELA,
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SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C)No(s). 4754/2021

(Arising out of impugned final judgment and order dated 02-11-2020 in OP(DRT) No. 73/2018 passed by the High Court Of Kerala At Ernakulam)

K.J. GEORGE & ANR. Petitioner(s)

VERSUS

THE AUTHORISED OFFICER, INDIAN BANK & ORS. – Respondent(s)

(IA No.41592/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 26-03-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Jaideep Gupta, Sr. Adv. Mr. Jishnu M.L., Adv.

Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv.

Ms. Anandita Mitra, Adv. Mr. Supratik Sarkar, Adv. Mr. G. Prakash, AOR

UPON hearing the counsel the Court made the following

ORDER

Learned counsel for the petitioners submits that the principle underlying the decision in C.A. No. 5924 of 2015 titled as “Baleshwar Dayal Jaiswal Vs. Bank of India & Ors.” reported in (2016) 1 SCC 444 dealing with Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002

(SARFAESI Act), must also apply to the dispensation provisioned in Section 17 of the SARFAESI Act being similarly worded.

Issue notice, returnable within four weeks. Dasti, in addition, is permitted.

(DEEPAK SINGH) (VIDYA NEGI)

COURT MASTER (SH) COURT MASTER (NSH)

KERELA HIGH COURT JUDGMENT

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