

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 27TH DAY OF OCTOBER 2023 / 5TH KARTHIKA, 1945

WP(C) NO. 25440 OF 2023

AGAINST THE ORDER/JUDGMENT MC 370/2023 OF CHIEF

JUDL.MAGISTRATE, ERNAKULAM

PETITIONER:

THSANIM P.Z.,
AGED 38 YEARS, W/O.THE LATE.SHALITH SHAM,
HOUSE NO.14/1570 B, OLD POST OFFICE ROAD,
NEAR ST.JOSEPH CHURCH, CHULLIKKAL, THOPPUMPADY,
COCHIN, ERNAKULAM, PIN - 682 005.

BY ADVS.

S.ABHILASH
K.SIJU
ANJANA KANNATH

RESPONDENTS:

- 1 THE BRANCH MANAGER,
BAJAJ HOUSING FINANCE LTD.,
CEREBRUM IT PARK B2 BUILDING, 5TH FLOOR, KALYANI
NAGAR, PUNE, MAHARASHTRA-411014,
HAVING BRANCH OFFICE AT 2ND FLOOR,
PUKALAKAT CITY CENTRE, SIVADAS TOWER,
NEAR ALAPATT REGENCY, M.K.K NAIR ROAD,
PALARIVATTOM, COCHIN, PIN - 682 025.
- 2 THE AUTHORIZED OFFICER
BAJAJ HOUSING FINANCE LTD.,
BRANCH OFFICE AT 2ND FLOOR,
PUKALAKAT CITY CENTRE, SIVADAS TOWER,
NEAR ALAPATT REGENCY, M.K.K NAIR ROAD,
PALARIVATTOM, COCHIN, PIN - 682 025.

BY ADV

PRADEESH CHACKO

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27.10.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Dated this the 27th day of October, 2023

The writ petition has been filed by the petitioner seeking to command the respondents to keep in abeyance all proceedings initiated pursuant to Exts.P6 and P7 till the disposal of Ext.P2 pending before the District Court, Ernakulam.

2. Sri. Pradeesh Chacko, Standing Counsel, entered appearance on behalf of the 1st respondent and submitted that the respondents are proposing to recall Ext.P5 notice and take action only after impleading all the legal heirs.

3. In view of the statement so made on behalf of the 1st respondent, I do not deem it necessary to pass any further orders in this writ petition.

The writ petition is disposed of recording the submission made on behalf of the 1st respondent. Needless to say any proceedings pursuant to Exts.P5 and P7 will be now subject to the fresh notice to be issued.

Sd/-

**N. NAGARESH
JUDGE**

APPENDIX OF WP (C) 25440/2023

PETITIONER'S EXHIBITS

- Exhibit P1 A TRUE COPY OF THE LEGAL HEIRSHIP
CERTIFICATE ISSUED BY THE TAHSILDAR,
TALUK OFFICE, KOCHI DATED 12.1.2023.
- Exhibit P2 A TRUE COPY OF THE PETITION FILED BY THE
PETITIONER AS OP (GUARDIAN)NO.297/2022
DATED 4.11.2022.
- Exhibit P3 A TRUE COPY OF THE OBJECTION FILED BY THE
MOTHER-IN-LAW OF THE PETITIONER TO
O.P(GUARDIAN)NO.297/2022 DATED 23.2.2023.
- Exhibit P4 A TRUE COPY OF THE AGREEMENT FOR SALE
ENTERED ON 19.7.2023.
- Exhibit P5 A TRUE COPY OF THE POSSESSION NOTICE
DATED 20.12.2022 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER.
- Exhibit P6 A TRUE COPY OF M.C NO.370/2023 CHIEF
JUDICIAL MAGISTRATE COURT, ERNAKULAM
FILED BY THE 2ND RESPONDENT WHICH IS NOW
PENDING BEFORE THE SPECIAL ADDITIONAL
CHIEF JUDICIAL MAGISTRATE (MPS/MLAS)
ERNAKULAM DATED 28.2.2023.
- Exhibit P7 A TRUE COPY OF THE NOTICE DATED 2.6.2023
ISSUED TO THE PETITIONER.