Case Citation: (2026) ibclaw.in 5135 HC

2026:KER:66258

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

MONDAY, THE 31ST DAY OF AUGUST 2026 / 9TH BHADRA, 1948

RP NO. 977 OF 2026

AGAINST THE JUDGMENT DATED 22.06.2026 IN WA NO.854 OF 2026 OF HIGH COURT OF KERALA

REVIEW PETITIONER/S:

MUHAMMED KOYA
AGED 55 YEARS
VALAPPIL THACHAYIL CHELAKKULAM, KIZHAKKAMBALAM VENGOLA, ERNAKULAM DISTRICT, PIN - 683566

BY ADVS.
SHRI.P.A.NOOR MUHAMED
SMT.S.GIFFARA
SHRI.BILAL NIAMATHULLA
SMT.RUXANA P. N.

RESPONDENT/S:

1 **YES BANK LIMITED**
REPRESENTED BY ITS AUTHORISED OFFICER 1ST FLOOR, PUTHURAN PLAZA NORTHERN SIDE, KPCC JUNCTION MG ROAD, ERNAKULAM, PIN - 682011

2 **RESERVE BANK OF INDIA**
REPRESENTED BY ITS CHIEF GENERAL MANAGER & SECRETARY, RESERVE BANK OF INDIA 16TH FLOOR, CENTRAL OFFICE BUILDING, SHAHID BHAGAT SINGH ROAD, MUMBAI, PIN - 400001

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3 KOWLETH BEEVI P.A.
VALAPPIL THACHAYIL CHELAKKULAM, KIZHAKKAMBALAM
VENGOLA, ERNAKULAM DISTRICT, PIN - 683566

OTHER PRESENT:

P. PAULOCHAN ANTONY
PARVATHI MENON
M. GOPIKRISHNAN NAMBIAR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 31.08.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

Dated this the 31st day of August, 2026

Soumen Sen, C. J.

Heard Mr. P. A. Noor Muhamed, learned counsel for the petitioner, Mr. P. Paulochan Antony, learned counsel for the 1st respondent, and Ms. Parvathi Menon, learned counsel representing Mr. M. Gopikrishnan Nambiar, learned counsel for the 2nd respondent.

2. This is an application for review of the judgment dated 22nd June 2026. Learned counsel for the petitioner submits that the invocation of the provisions of the SARFAESI Act, 2002, is barred under Section 31(j) of the Act.

3. Prima facie, it appears that, upon classification of the account as NPA, the entire loan amount was recalled. The submission made earlier that the Magistrate has no jurisdiction to examine the correctness of the information furnished under Section 14, as observed in the judgment under review, can be considered in an application under Section 17 of the DRT Act. Therefore, we do not find any

reason to review our judgment.

4. The review petition is accordingly disposed of.

Sd/-
SOUMEN SEN,
CHIEF JUSTICE

Sd/-
SYAM KUMAR V. M.,
JUDGE

Eb

APPENDIX OF RP NO. 977 OF 2026

PETITIONER ANNEXURES

Annexure-A1	**CERTIFIED COPY OF THE SAID JUDGMENT DATED 22.6.2026 PASSED BY THIS HON'BLE COURT IN WA NO.854/2026.**
Annexure -A2	**TRUE COPY OF THE JUDGMENT DATED 27.7.2022 PASSED BY THE HON'BLE SUPREME COURT IN R.D. JAIN & CO. V. CAPITAL FIRST LTD & OTHERS (2023) 1 SCC 675.**
Annexure-A3	**TRUE COPY OF THE ORDER DATED 15.9.2025 PASSED BY THIS HON'BLE COURT IN WP(C) NO.32847/2025**
Annexure-A4	**TRUE COPY OF THE SHORT COUNTER AFFIDAVIT DATED 13.10.2025 FILED BY THE PETITIONER AND HIS WIFE IN MC NO.383/2025 BEFORE THE LEARNED ADDL CJM (MP & MLA) AT ERNAKULAM.**
Annexure-A5	**TRUE COPY OF THE PROCEEDINGS OF THE LEARNED ADDL CJM FROM 14.10.2025 TO 31.1.2026 AS TAKEN FROM THE WEBSITE OF THE SAID COURT.**
Annexure-A6	**TRUE COPY OF THE AFFIDAVIT DATED 28.11.2025 FILED BEFORE THE LEARNED ADDL CJM IN MC 383/2025 BY THE RESPONDENT NO.1.**
Annexure-A7	**TRUE COPY OF THE ORDER DATED 10.4.2026 PASSED BY THIS HON'BLE COURT IN WA NO.854/2026.**
Annexure-A8	**TRUE COPY OF RELEVANT PART OF THE COUNTER STATEMENT DATED 22.6.2026 IN WA NO.854/2026 FILED BY THE RESPONDENT NO.1.**
Annexure-A9	**TRUE COPY OF RELEVANT PART OF THE ADDITIONAL COUNTER AFFIDAVIT DATED 18.7.2026 IN MC 383/2025 BEFORE THE LEARNED ADDL CJM (MP/MLA) AT ERNAKULAM.**
Annexure -A10	**TRUE COPY OF THE ORDER DATED 20.7.2026 PASSED BY THE LEARNED ADDL CJM (MP/MLA) AT ERNAKULAM IN MC 383/2025 AS TAKEN FROM THE WEBSITE OF THE SAID COURT.**
Annexure-A11	**TRUE COPY OF RELEVANT PART OF THE CMP NO.3/2026 DATED 25.7.2026 IN MC NO.383/2025 FILED BEFORE THE LEARNED ADDL CJM (MP/MLA) AT ERNAKULAM.**

Annexure-A12 **TRUE COPY OF THE ORDER DATED 28.7.2026 PASSED BY THE LEARNED ADDL CJM (MP/MLA) AT ERNAKULAM IN CMP NO.3/2026 DATED 25.7.2026 IN MC NO.383/2025.**