CNR : KLHC010953962025

2026:KER:68384

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2026 / 17TH BHADRA, 1948

OP (DRT) NO. 373 OF 2025

AGAINST THE ORDER DATED 01.07.2025 IN UNNUMBERED S.A NO.513 OF 2025 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM

PETITIONER:

RAMACHANDRAN P,
AGED 62 YEARS
S/O. MADHAVAN NAIR,PM NILAYAM,
KERALASSERY VILLAGE,PALAKKAD, PIN - 678641

BY ADV SMT.LIZA P. CHERIAN

RESPONDENTS:

1 **THE AUTHORIZED OFFICER,**
CATHOLIC SYRIAN BANK LTD,
PALAKKADU BRANCH SANJO TOWERS,
OPPOSITE KSRTC,PALAKKAD DISTRICT, PIN - 678641

2 **VIJAYADASAN,**
PALLATHUVEEDU KAVASSERY,
PALAKKAD DISTRICT, PIN - 678543

BY ADV SHRI.RAHUL RAJ P.

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION ON 08.09.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V. BALAKRISHNAN, J.

.....

OP(DRT)No.373 of 2025

.....

Dated this the 8th day of September, 2026

JUDGMENT

The petitioner is the applicant in NDN (SA) No.513 of 2025, which is an un-numbered SA, filed before the Debts Recovery Tribunal-I, Ernakulam. The SA was filed by the petitioner challenging the sale conducted by the 1st respondent under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act' for short). The Registrar referred the matter to the DRT for considering the question of limitation and the DRT, by Ext.P5 order dated 18.07.2025 rejected the un-numbered SA. It is challenging Ext.P5; this OP(DRT) has been filed by the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The question whether the Registrar of DRT can *suo motu* refer an application filed under Section 17 of the SARFAESI Act to the DRT, posing questions regarding

maintainability, locus standi, limitation etc., is now no more res intergra in the light of the decision of this Court in **Fathima M.P. v. IDBI Bank Ltd. [2026 (5) KLT 50].** In the said decision, this Court had the occasion to consider the power of the Registrar under Rule 5 of the Debts Recovery Tribunal (Procedure) Rules, 1993 (hereinafter referred to as 'Rules', for short) and the powers of the Presiding Officer while considering a Chamber Appeal and it was held thus:-

> ''(a) The Registrar of the DRT is only a Chief Ministerial Officer and he cannot exercise judicial functions under the Act, Rules or Regulations.
>
> (b) The Registrar can only decline to register an application if the defects are not cured by the applicant by passing an order, with reasons.
>
> (c) The Registrar cannot, under any circumstance, *suo motu* refer the application filed before it to the Presiding Officer / DRT.
>
> (d) Since the Registrar is not vested with judicial powers, he cannot travel beyond the scope and ambit of R.5 of the Rules and delve into the application filed by the applicant in detail/on merits and pose questions/doubts regarding the maintainability, locus standi, question of limitation which may involve facts as well as law, issues which involve intrinsic questions of fact, issues which require adjudication on judicial side, etc. and refer the application to the Presiding Officer / DRT.
>
> (e) The Registrar can post the unnumbered application before the Tribunal only in cases where the parties take up a stand that there is no defect and insist that the application itself be posted before the Tribunal for deciding

the question.

(f) The Registrar cannot reject or dismiss the application filed on any grounds.

(g) The DRT has no power to reject an application filed under S.17 of the SARFAESI Act at the preliminary stage, except where a formal defect noted by the Registrar is upheld and the applicant fails to cure that defect.

(h) The defects of other nature; not being formal and which requires a decision on the judicial side cannot be decided by the Presiding Officer in Chamber and such matters are to be considered by the Tribunal after numbering the application and hearing all the parties concerned. If a decision is taken against the applicant, the DRT has to grant reasonable time/opportunity to the applicant for curing the defects and it is only when the applicant fails to cure the same, the application can be rejected.''

4. Going by the afore dictum, the Registrar has no right to delve into the application in detail, pose questions regarding maintainability, limitation etc., and place the matter before the DRT *suo motu,* which has been done in the instant case, as evidenced by Ext.P5 order. If so, I have no hesitation to find that Ext.P5 order cannot be sustained and is liable to be set aside.

Ergo, this OP(DRT) is allowed, and Ext.P5 order dated 18.07.2025 in NDN (SA) No.513 of 2025 is set aside. The matter is remitted back to the Registrar of the DRT - 1, Ernakulam who shall consider the application filed by the petitioner strictly confining himself to Rule 5 of the Rules and in the light of the

dictum in **Fathima M.P.'s** case (supra), and take a decision within a period of one week from the date of receipt of a copy of this judgment.

Sd/-
P.V. BALAKRISHNAN
JUDGE

Dxy

APPENDIX OF OP (DRT) NO. 373 OF 2025

PETITIONER'S EXHIBITS

EXHIBIT P 1	**TRUE COPY OF THE JUDGMENT OF THE REVIEW PETITION 253/2025 DATED 25/2/2025**
EXHIBIT P2	**TRUE COPY OF SA NDN 513/2025 FILED BEFORE DRT1 ALONG WITH DOCUMENTS**
EXHIBIT P3	**THE TRUE COPY OF THE E FILING RECEIPT DATED 10/3/2025**
EXHIBIT P4	**THE TRUE COPY OF THE JUDGMENT IN OP DRT NO.185 OF 2025 DATED 31.7.25**
EXHIBIT P5	**THE TRUE COPY OF THE ORDER PASSED BY DRT-1,EMAKULAM IN SA NDN 513/2025**