

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WA.No. 402 of 2015 IN WP(C).1689/2015

AGAINST THE JUDGMENT IN WP(C) 1689/2015 DATED 29-01-2015

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APPELLANTS/PETITIONERS :

1. P.C.MATHEW, AGED 50 YEARS
S/O.MATHEW, PERUMOOTTIL HOUSE, M.O.WARD
ALAPPUZHA.
2. SUSAN MATHEW, AGED 43 YEARS
W/O.MATHEW, PERUMOOTTIL HOUSE, M.O.WARD
ALAPPUZHA.

BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA

RESPONDENTS/RESPONDENTS :

1. THE AUTHORIZED OFFICER (CHIEF MANAGER),
STATE BANK OF TRAVANCORE, SME ALAPPUZHA BRANCH
ALAPPUZHA-688 001.
2. STATE BANK OF TRAVANCORE,
SME ALAPPUZHA BRANCH, ALAPPUZHA-688 001.

R1 & R2 BY SRI.R.S.KALKURA, SC, SBT

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.A. No. 402 OF 2015

Dated this the 3rd day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

This writ appeal has been filed against the judgment dated 29.01.2015 passed in W.P.(C) No.1689 of 2015.

2. Proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) were initiated against the petitioner by the Bank against which he had earlier filed W.P. (C) No.16217 of 2014 which was disposed of by learned Single Judge by judgment dated 26.06.2014. The petitioner could not comply with the directions given by this Court by which the Court permitted him to clear the outstanding amount in instalments. The petitioner thereafter filed W.P.(C) No. 1689 of 2015 seeking extension of further time for depositing the outstanding amount. The learned Single Judge, taking note of Exts.P2 and P4 judgments, held that the petitioner has no cause of action to file a fresh writ petition claiming the same relief.

3. There is no dispute that the petitioner has earlier approached this Court and the Court has disposed of the Writ Petition permitting him to deposit the entire outstanding amounts in 12 equal monthly instalments which was not complied with. Against the same SARFAESI proceedings, petitioner cannot be permitted to file fresh writ petition and no error has been committed by the learned Single Judge in dismissing the writ petition. Accordingly, the Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**

WA No. 402 of 2015

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