

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WA.No. 866 of 2015 ()

(AGAINST THE JUDGMENT IN WP(C).NO. 9022/2015 DATED 09-04-2015)

APPELLANT/PETITIONER IN WP(C) :

**JAYALAL D.,
THADISSERIL HOUSE, KOZHIMALA P.O,
THIRUVALLA, PATHANAMTHITTA.**

BY ADV. SRI. SAJEEVKUMAR

RESPONDENT/RESPONDENT IN WP(C) :

**THE CHIEF MANAGER/AUTHORISED OFFICER,
THE FEDERAL BANK LTD, THOTTABHAGOM BRANCH,
GROUND FLOOR, MELEKAYIL BLDING, THOTTABHAGOM P.O.,
KAVIYOOR, THIRVALLA, PATHANAMTHITTA -689 541**

BY SRI.A.ANTONY

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

*** * * * ***

W.A.No.866 of 2015

Dated this the 9th day of June 2015

J U D G M E N T

Ashok Bhushan, CJ

This writ appeal has been filed against the judgment dated 09/04/2015 in W.P.C.No.9022/2015, by which the learned Single Judge dismissed the writ petition as not maintainable.

2. Petitioner had filed the writ petition challenging the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. In the said judgment, the learned Single Judge had opined that earlier, petitioner's wife had filed a writ petition as W.P.C.No.21552/2014 where she was permitted to clear the entire outstanding. In the impugned judgment, it was observed by the learned Single Judge that, in the writ petition, there was no mention with regard to the earlier writ petition filed by the petitioner's wife challenging the action

of the bank in taking steps for recovery of the very same loan amount. The learned Single Judge further opined that special remedy under Article 226 of the Constitution of India cannot be availed by a person who chooses to suppress the materials facts from the Court.

We do not find any error in the judgment of the learned Single Judge dismissing the writ petition. Writ petitioner, having chosen to suppress the material facts, we dismiss this writ appeal.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

