

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WA.No. 924 of 2015 () IN WP(C).9342/2015

AGAINST THE JUDGMENT IN WP(C) 9342/2015 of HIGH COURT OF KERALA
DATED 31-03-2015

APPELLANT(S)/PETITIONER :-

VIJAYAN ASARI,
'SISIRAM', VELLALIMBU VEEDU
PULLUVILA P.O., THIRUVANANTHAPURAM.

BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA

RESPONDENT(S)/RESPONDENTS :-

1. THE FEDERAL BANK LTD
FEDERAL TOWERS, M.G.ROAD, THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS CHIEF MANAGER (AUTHORISED OFFICER).
2. SENIOR MANAGER
THE FEDERAL BANK LTD. BR.NEYYATTINKARA
SWEDESHABHIMANI COMPLEX, NEYYATTINKARA
THIRUVANANTHAPURAM - 695 101.
3. JYOTHIKUMAR V.
JYOTHI BHAVAN, THADATHIKULAM, KANJIRAMKULAM P.O.,
PIN - 695 101.
4. J.S. PADMA BAI, TEACHER
GOVERNMENT UPPER PRIMARY SCHOOL, PUTHICAL
THANNOMOODU, BALARAMAPURAM, NEYYATTINKARA
THIRUVANANTHAPURAM - 695 101.

R1 & R2 BY SRI.GEORGE VARGHESE (MANACHIRACKEL)
R3 & R4 BY SRI.MILLU DANDAPANI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

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

W.A. No. 924 OF 2015

Dated this the 20th day of May, 2015

JUDGMENT

Ashok Bhushan, C.J.

This writ appeal has been filed against the judgment dated 31.03.2015 passed in W.P.(C) No.9342 of 2015, by which the writ petition filed by the petitioner was dismissed.

2. The appellant/petitioner was a guarantor of a loan. Default was committed, hence the bank initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). Earlier, W.P.(C) No. 23753 of 2009, was filed by the petitioner, where this Court permitted the petitioner to deposit the amount in instalments. The said order was not complied with. The Bank proceeded under Section 14 of the Act and has obtained an order for taking possession of the property under the SARFAESI Act, 2002. At this juncture the petitioner has filed the present writ petition.

3. Taking the view that the petitioner could not comply with the earlier order passed in W.P.(C) No. 23753 of

2009, he is not entitled to the discretionary relief under Article 226 of the Constitution of India, learned Single Judge dismissed the writ petition. We do not find any infirmity in the order passed so as to entertain this writ appeal. There is no merit in the appeal. The Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

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