

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WA.No. 934 of 2015 IN WP(C).7819/2015

AGAINST THE JUDGMENT IN WP(C) 7819/2015 DATED 12-03-2015

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APPELLANTS/PETITIONERS :

1. LIJIMOL.K.D., D/O.K.V.DASAN
RESIDING AT KOCHUPAZHAMPALLIL HOUSE
HOUSE NO.20/2737, PERUMPADAPPU, KOCHI-6.
2. CHANDRIKA, W/O.K.V.DASAN
RESIDING AT KOCHUPAZHAMPALLIL HOUSE
HOUSE NO.20/2737, PERUMPADAPPU, KOCHI-6.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS/RESPONDENTS :

1. THE MATTANCHERY MAHAJANIK CO OPERATIVE URBAN BANK LTD.NO.665
PALLIYARAKAVU ROAD, KOCHI-682 002
REPRESENTED BY ITS GENERAL MANAGER, MATTANCHERRY
KOCHI-682 002.
2. THE AUTHORISED OFFICER (UNDER SARFAESI ACT)
THE MATTANCHERY MAHAJANIK CO OPERATIVE
URBAN BANK LTD.NO.665.
PALLIYARAKAVU ROAD, KOCHI-682 002.
3. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD
KOCHI- 682 031.
4. DEPARTMENT OF CO-OPERATION
OFFICE OF THE REGISTRAR OF THE CO-OPERATIVESOCIETIES
STATUE, THIRUVANANTHAPURAM
REPRESENTED BY ITS REGISTRAR - 695 001.

R1 & R2 BY SRI.GEORGE POONTHOTTAM

R3 & R4 BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 934 OF 2015

Dated this the 2nd day of July, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

This writ appeal has been filed against the judgment dated 12.03.2015 passed in W.P.(C) No.7819 of 2015 by which order the writ petition filed by the appellant was dismissed.

2. Learned Single Judge in the impugned judgment has stated that against the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the writ petitioner had earlier filed W.P.(C) No.14050 of 2014 which was disposed of on 25.06.2014, permitting the petitioner to deposit the outstanding amount in 10 equal monthly instalments. It is stated by learned Single Judge that the said order was not complied with and the second writ petition has been filed where substantially same reliefs are claimed.

3. We are of the view that learned Single Judge has rightly dismissed the writ petition. Substantially for the same reliefs a second writ petition is not maintainable, more so,

when the petitioner failed to comply with the earlier direction issued by this Court on 25.06.2014.

We do not find any error in dismissing the writ petition. Hence the Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

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