

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 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WA.No. 1641 of 2015 ()

(AGAINST THE JUDGMENT IN WP(C).NO. 13100/2015 DATED 02/06/2015)

APPELLANT/PETITIONER:

**MANUAL JOSEPH,AGED 40 YEARS,
S/O. ANTONY, PUTHENVEETIL, CHEMPUMUKKU,
KAKKANAD, KOCHI -31.**

BY ADV. SRI.N.K.MOHANLAL

RESPONDENT/RESPONDENT:

**AUTHORISED OFFICER,
THE ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD.,
KAKKANAD, KOCHI -31.**

BY SMT.I.SHEELA DEVI, SC, ERNAKULAM DIST.CO.OP.BANK LTD

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 1641 of 2015

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Dated this, the 5th day of August, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard. This writ appeal has been filed against judgment dated 2.06.2015 passed in WP(C) No.13100/2015, by which the writ petition filed by the petitioner challenging the proceedings under the SARFAESI Act has been dismissed. Petitioner had earlier filed WP(C) No.9586/2013, which was dismissed on 5th April, 2013 granting instalment facility to the petitioner to pay off the outstanding liability. Petitioner did not comply with the said judgment and filed the second writ petition, being WP(C) No.13100/2015, without even disclosing the filing of earlier writ petition and the order passed therein. Learned Single Judge declined to entertain the writ petition on the aforesaid reason. We do not find any error in the judgment of the learned Single Judge dismissing the writ petition on account of the above reason. The fact that filing of earlier writ petition was not disclosed in the

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second writ petition itself was sufficient for dismissing the writ petition.

Learned counsel for the petitioner lastly contended that he is now ready to clear the entire outstanding liability. It is between the petitioner and the Bank to look into that aspect. No ground has been made out in this appeal to interfere with the judgment of the learned Single Judge. Appeal is, therefore, dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge