

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WA.No. 2052 of 2015 IN WP(C).26569/2015

AGAINST THE JUDGMENT IN WP(C) 26569/2015 DATED 03-09-2015
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APPELLANTS/PETITIONERS :

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1. AGUSTINE JACKSON DAURAVOA,
S/O.FRANCIS DAURAVOA,
19/2004-H, JACK VILLA, 40 FEET ROAD,
NAMBIAPURAM, PALLURUTHY,
KOCHI - 682 006.
 2. GREENE JACKSON DAURAVOA,
W/O AUGUSTINE JACKSON DAURAVOA,
19/2004-h, JACK VILLA,
40 FEET, NAMBIAPURAM, NAMBIAPURAM,
PALLURUTHY, KOCHI - 682 006.

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENTS/RESPONDENTS :

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1. THE AUTHORISED OFFICER, SUNDARAM BNP PARIBAS,
HOME FINANCE LIMITED, SUNDARAM TOWERS, 46,
WHITE ROAD, CHENNAI - 600 001.
 2. THE SUNDARAM BNP PARIBAS HOME FINANCE LIMITED,
2ND FLOOR, ELEZABETH ALEXANDER MEMORIAL BUILDING,
OPPOSITE MARINE DRIVE, ERNAKULAM - 682 131.

BY ADV. SRI.VARGHESE C.KURIAKOSE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Ashok Bhushan, C.J. & K. Vinod Chandran, J.

W.A. No. 2052 OF 2015

Dated this the 17th day of September, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel appearing for the appellant and learned Standing Counsel appearing for the respondents.

2. This writ appeal has been filed against judgment dated 03.09.2015 passed in W.P.(C) No.26569 of 2015. The writ petition was filed by the petitioners praying for a mandamus allowing them to remit the entire loan amount including its interest and penal charges, if any, in order to close the loan account bearing No.70007201 and release the mortgage in property. The writ petition has been dismissed by learned Single Judge noticing an earlier judgment of this Court, produced as Ext.P3, passed in W.P.(C) No.9509 of 2015.

3. W.P.(C) No. 9509 of 2015 was filed by the same petitioners challenging the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The learned Single Judge vide his

judgment dated 25.03.2015 permitted the petitioners to deposit the amount in installments. It appears that petitioners did not comply with the said directions and filed a fresh writ petition which has been rightly dismissed by learned Single Judge. The remedy of the petitioner, if any, is to move an application in the earlier writ petition if they only wanted extension of time for making the deposit.

We do not find any error in the judgment passed by learned Single Judge. Accordingly, the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**K. Vinod Chandran,
Judge.**

WA No. 2052 of 2015

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