

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 1621 of 2015 (C)

PETITIONER :

**SHERLY SAM, AGED 48 YEARS,
W/O.M.J.SEBASTIAN, ASWATHY HOUSE, MYTHRIPURAM,
THRIKKAKKARA.P.O., KOCHI-682 021.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH**

RESPONDENT(S):

- 1. THE CHIEF MANAGER,
STATE BANK OF TRAVANCORE,
STRESSED ASSET RESOLUTION CENTRE-ERNAKULAM,
SBT BHAVAN, PANAMPILLY NAGAR, ERNAKULAM-682 036.**
- 2. THE MANAGER,
STATE BANK OF TRAVANCORE, KAKKANAD CIVIL STATION,
P.B.NO.1, KAKKANAD CIVIL STATION BLDG,
KAKKANAD.P.O. 682 030, ERNAKULAM.**

**R1 & R2 BY SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE PHOTO COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P[C]NO.20967/12.
- P2- A TRUE PHOTOCOPY OF THE RECEIPT DATED 13.10.2012 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.50,000/-
- P3- A TRUE PHOTOCOPY OF THE RECEIPT DATED 15.11.2012 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.50,000/-
- P4- A TRUE PHOTOCOPY OF THE RECEIPT DATED 14.5.2013 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.25,000/-
- P5- A TRUE PHOTOCOPY OF THE RECEIPT DATED 14.6.2014 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.20,000/-
- P6- A TRUE PHOTOCOPY OF THE RECEIPT DATED 8.7.2014 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.20,000/-
- P7- A TRUE PHOTOCOPY OF THE RECEIPT DATED 30.8.2014 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.15,000/-
- P8- A TRUE PHOTOCOPY OF THE RECEIPT DATED 18.10.2014 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.15,000/-
- P9- A TRUE PHOTOCOPY OF THE RECEIPT DATED 27.11.2014 ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT OF RS.15,000/-
- P10- A TRUE PHOTOCOPY OF THE NOTICE DATED 10.12.2014 PASTED BY THE 1ST RESPONDENT AT THE DOOR OF THE HOUSE OF THE PETITIONER.
- P11- A TRUE PHOTOCOPY OF THE RELEVANT PAGE OF THE NOTICE PUBLISHED IN THE MANGALAM DAILY DATED 16.12.2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.1621 of 2015 (C)

.....
Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent Bank, defaulted in re-payment of the same. In the writ petition, the limited prayer of the petitioner is for the grant of installment facility to re-pay the loan amount.

2. When the matter came up for admission, it was noticed that the petitioner had on an earlier occasion approached this Court praying for a similar relief and by Ext.P1 judgment in W.P.(C) No.20967 of 2012, this Court had granted installment facility to the petitioner to pay the outstanding amounts in 15 equal monthly installments.

3. In the present writ petition, it is stated that the petitioner could not comply with the terms of the said judgment. In my view, if the petitioner seeks modification of the terms of Ext.P1 judgment, it is for him to file a review petition against Ext.P1 judgment. A fresh writ petition seeking the same relief is not maintainable before this Court. Accordingly, I dismiss the present writ petition as not maintainable. While dismissing the writ petition, however, I direct that recovery steps against the petitioner shall not be pursued by the respondent Bank for a

period of ten days, so as to enable the petitioner to seek appropriate reliefs against Ext.P1 judgment of this Court.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/23/01/