

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).NO. 1689 OF 2015 (I)

PETITIONER(S):

1. P.C.MATHEW, AGED 50 YEARS
S/O.MATHEW, PERUMOOTIL HOUSE, M.O.WARD
ALAPPUZHA.

2. SUSAN MATHEW, AGED 43 YEARS
W/O.MATHEW, PERUMOOTIL HOUSE, M.O.WARD
ALAPPUZHA.

BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA

RESPONDENT(S):

1. THE AUTHORISED OFFICER (CHIEF MANAGER)
STATE BANK OF TRAVANCORE, SME ALAPPUZHA BRANCH
ALAPPUZHA-688001.

2. STATE BANK OF TRAVANCORE
SME ALAPPUZHA BRANCH, ALAPPUZHA-688001.

R BY SRI.R.S.KALKURA, SC, SBT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 1689 OF 2015 (I)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT. P1 : TRUE COPY OF THE NOTICE DT.11-3-2014 ISSUED BY THE
RESPONDENT TO THE 2ND PETITIONER.

EXT. P2 : TRUE COPY OF THE POSSESSION NOTICE DT.12-6-2014 BY THE
RESPONDENT TO THE PETITIONERS.

EXT. P3 : TRUE COPY OF THE JUDGMENT IN WPC 16217/14 DT.26-6-14 OF
THIS HON'BLE COURT.

EXT. P4 : TRUE COPY OF THE JUDGMENT IN WPC 16218/2014 DT.26-6-14 OF
THIS HON'BLE COURT.

EXT. P5 : TRUE COPY OF THE STATEMENT OF ACCOUNTS (A/C NO.67117468696)
PERTAINING TO THE LOAN.

EXT. P6 : TRUE COPY OF THE STATEMENT OF ACCOUNTS PERTAINING TO THE
OVERDRAFT A/C.67190273028.

EXT. P7 : TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN IA 16860/14
DT.17-12-2014.

EXT. P8 : TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN IA
16797/2014 DT.17-12-14.

EXT. P9 : TRUE COPY OF THE MASTER CIRCULAR ISSUED BY THE RESERVE BANK
OF INDIA DT.1-7-2013.

EXT. P10 : TRUE COPY OF THE GUIDELINES ISSUED BY THE RESERVE BANK OF
INDIA DT.1-11-12.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.1689 OF 2015

Dated this the 29th day of January, 2015

J U D G M E N T

The petitioners have approached this Court challenging the recovery steps initiated by the respondent bank under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, for recovery of the loan amounts advanced to the petitioners. In the writ petition, a reference is made to Exts.P3 and P4 judgments, that were passed in writ petitions that the petitioners had preferred earlier when they were confronted with steps taken by the respondent bank for realisation of the loan amounts. In Exts.P3 and P4 judgments, this Court had granted the petitioners the benefit of payment of the loan amount in instalments. It is seen that, when the petitioners could not adhere to the conditions stipulated in Exts.P3 and P4 judgments, they had approached this Court again through interlocutory applications seeking extension of time for complying with the terms of the said judgments. By Exts.P7 and P8 orders, those petitions for extension of time were also dismissed. Thereafter, the petitioners have chosen to file the present writ

petition claiming substantially the same relief as was claimed in the earlier writ petition. On a consideration of the prayers in the writ petition, I am of the view that the prayers in the writ petition cannot be granted inasmuch as the petitioners had chosen to approach this Court on an earlier occasion and obtained orders in their favour, the conditions in respect of which they could not comply. The remedy of the petitioners, if any, would lie in pursuing further proceedings against Exts.P3 and P4 judgments, and not in the filing of a fresh writ petition claiming the same relief. The Writ petition fails and is accordingly, dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

