

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 1877 of 2015 (H)

PETITIONER(S) :

- 1. SMT.THANKAM
W/O.LATE ACHUTHANKUTTY, THERAYANCOD HOUSE
EZHAKKAD P.O., MUNDUR, PALAKKAD.**
- 2. T.A.SIVAPRASAD
S/O.LATE ACHUTHANKUTTY, THERAYANCOD HOUSE
EZHAKKAD P.O., MUNDUR, PALAKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENTS :

- 1. THE CHIEF MANAGER, SYNDICATE BANK
REGIONAL OFFICE, SHANMUGHAM ROAD, ERNAKULAM - 682 031.**
- 2. THE KINGS INTERNATIONAL VACATIONS AND LEISURES LTD
17/18, 3RD FLOOR, SKC BUILDING
MILLU ROAD, COIMBATORE - 641 001
REP. BY ITS MANAGING DIRECTOR T.S.SWAMINATHAN.**
- 3. T.S.SWAMINATHAN
S/O.T.C.SUBRAMANIAN, THERAYANCOD HOUSE, EZHAKKAD P.O.
MUNDUR, PALAKKAD - 678 592.**
- 4. SRI.GOPALAKRISHNAN P.P.,
S/O.LATE T.KRISHNANKUTTY, 13/158, KRISHNA
EZHAKKAD, PALAKKAD - 690 104.**
- 5. SRI.VINOD P.K.,
S/O.KIRHNANKUTTY, KARIMBILKATTIL HOUSE, KALLEKKAD
PALAKKAD - 678 006.**

R1 BY ADV. SRI.R.S. KALKURA, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE COPY OF THE NOTICE U/S. 13(2) DATED 23/09/2009.
- EXT.P2: TRUE COPY OF THE ADVERTISEMENT DATED 06/08/2010 IN MALAYALA
MANORAMA.
- EXT.P3: TRUE COPY OF THE JUDGMENT DATED 18/01/2011 IN WPC
NO. 27480/2010.
- EXT.P4: TRUE COPY OF THE SCHEDULE OF PAYMENTS.
- EXT.P5: TRUE COPY OF THE INTERIM ORDER DATED 24/02/2011 IN WPC
NO. 5802/2011.
- EXT.P6: TRUE COPY OF THE JUDGMENT DATED 04/03/2011 IN WPC
NO. 5802/2011.
- EXT.P7: TRUE COPY OF THE NOTICE DATED 14/01/2015 ISSUED BY ADVOCATE
COMMISSIONER.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.1877 of 2015

.....
Dated this the 9th day of February, 2015

J U D G M E N T

The petitioners who had stood sureties for a loan availed by the 2nd respondent from the 1st respondent bank, are aggrieved by the action taken by the respondent bank under the SARFAESI Act for recovery of the loan amount. When the matter came up for admission today, it was noticed that the petitioners had approached this Court on two occasions earlier and this Court had declined interference with the proceedings under the SARFAESI Act, and relegated the petitioners to the remedies before the Debt Recovery Tribunal. Exts.P3 and P6 are the judgments of this Court in the earlier writ petitions filed by the petitioners. In that view of the matter, I do not think the present writ petition, praying for substantially the same reliefs as in the earlier writ petitions, can be maintained at the instance of the petitioner. The writ petition fails and is accordingly dismissed.

The petitioner is free to move the Debt Recovery Tribunal for any relief, under the SARFAESI Act, in accordance with law.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns/

