

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2137 of 2015 (N)

PETITIONER(S):

**SAINABA UZHINJALATH AGED 38 YEARS
W/O.SHAHUL HAMMED, RESIDING AT PALAKKAL HOUSE
VALANCHERI POST, MALAPPURAM DISTRICT**

**BY ADVS.SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH
SRI.RILGIN V.GEORGE**

RESPONDENT(S):

**KOTTAKKAL CO-OPERATIVE URBAN BANK LTD.NO.1378
REPRESENTED BY ITS GENERAL MANAGER, HO KOTTAPPADI
KOTTAKKAL P.O, MALAPPURAM DISTRICT, PIN 6765503**

R BY SRI.P.J.DEVAPRASANTH,SC,KOTTAKKAL CO.OP

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF LETTER NO.SARFAESI/VLY/EML399 DATED 6.2.2013 ISSUED BY THE RESPONDENT BANK.

EXT.P2: COPY OF RECEIPT DATED 6.11.2013 DATED ISSUED BY THE RESPONDENT BANK.

EXT.P3: COPY OF RECEIPT DATED 15.1.2014.

EXT.P4: COPY OF RECEIPT DATED 5.8.2014.

EXT.P5: COPY OF THE JUDGMENT DATED 12.8.2014 IN W.P.(C).NO.18735/2014 ON THE FILES OF THIS HONOURABLE COURT.

EXT.P6: COPY OF NOTICE DATED 13.1.2014 ISSUED BY THE ADVOCATE COMMISSIONER.

EXT.P7: COPY OF TRIMESTER REPORT OF THE PETITIONER'S DAUGHTER.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.2137 OF 2015 (N)

Dated this the 21st day of January, 2015

J U D G M E N T

The petitioner challenges the steps taken by the respondent bank to recover amounts that are outstanding from the petitioner towards repayment of loan availed from the respondent bank. When the matter was taken up for admission today, it is brought to my notice that the petitioner had already approached this Court for the same relief on an earlier occasion, and, by Ext.P5 judgment, this Court had disposed the writ petition taking note of the fact that the petitioner had even before that, approached this Court with a similar prayer for the grant of installments, which was actually granted to him then. This Court while deprecating the practice of filing successive writ petitions seeking the very same relief, also imposed an exemplary cost of Rs.5,000/- on the petitioner for suppression of the earlier judgment in the writ petition filed before this Court. Under these circumstances, I am not inclined to entertain the present writ petition filed by the petitioner. It is for the petitioner to explore further remedies pursuant to Ext.P5 judgment of this Court.

2. I take note, however, of the submission made by counsel for the petitioner that her residential property is going to be taken over by the respondents today. I therefore stay the proceedings for taking possession of the residential property of the petitioner for a period of one week so as to enable the petitioner to explore the possibility of further proceedings against Ext.P5 judgment. I make it clear that on the expiry of the aforementioned one week, the respondents will be free to continue with the recovery steps initiated against the petitioner from the stage at which they presently stand.

The writ petition is dismissed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp