

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. 2521 of 2015 (M)

PETITIONER(S):

**T.P. SHYAMALA, W/O.GOPALAN,
AGED 66 YEARS, RESIDING AT KUZHACHALIL HOUSE,
POST KURUCHIYIL, THALASSERY-670 102.**

BY ADV. SRI.CIBI THOMAS.

RESPONDENT(S):

- 1. NORTH MALABAR GRAMINA BANK,
PARAL BRANCH, PARAL P.O.,
THALASSERY, KANNUR DISTRICT-670 671.**
- 2. THE AUTHORIZED OFFICER,
NORTH MALABAR GRAMINA BANK,
HEAD OFFICE AT KANNUR,
PALLIKKUNNU-670 004.**

BY ADV. SRI.DEVAN RAMACHANDRAN, SC.

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

rs.

WP(C).No. 2521 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE NOTICE DATED 28/05/2012 UNDER SECTION 13(2) OF THE ACT ISSUED BY THE 1ST RESPONDENT.
- EXT.P2 COPY OF THE INTERIM ORDER DATED 16/05/2014 IN WP(C).NO. 12527/2014.
- EXT.P3 COPY OF THE JUDGMENT DATED 24/06/2014 IN WP(C).NO. 12527/2014.
- EXT.P4 COPY OF THE NOTICE DATED 06/05/2014 ISSUED BY THE COMMISSIONER.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.2521 of 2015 ()

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

JUDGMENT

The petitioner, who had availed for a housing loan from the first respondent Bank, defaulted in re-payment of the same. When faced with recovery steps, the petitioner had approached this Court through W.P.(C) No.12527 of 2014 that was disposed by Ext.P3 judgment granting an installment facility to the petitioner to regularise the loan amount. It is stated that, the petitioner did not comply with the said directions in Ext.P3 judgment. He has, however, sought to approach this Court with the present writ petition seeking the very same relief as sought for in the earlier writ petition.

2. Considering the fact that the petitioner already approached this Court on an earlier occasion praying for the same relief and obtained Ext.P3 judgment, I am not inclined to entertain the present writ petition, which prays for substantially similar relief. I taking note however of the submissions made by the learned counsel for the petitioner that, the petitioner is likely to be dispossessed today. Thus, to give a breathing time to the petitioner to move for a review of Ext.P3 judgment, if he so desires and to prevent the dispossession during the said period, I stay further proceedings for recovery of dues from the

petitioner for a period of ten days. I make it clear that, on the expiry of ten days from today, the stay granted in this judgment shall also expire. Save for this limited direction, the writ petition is otherwise dismissed as not maintainable.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/23/01/