

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 3562 of 2015 (U)

PETITIONER :

**SUNDARLAL.P.,
MULICKAL PUTHENTHURA P.O,
NEENDAKARA KOLLAM DISTRICT.**

**BY ADVS.SRI.T.S.RADHAKRISHNA PILLAI
SRI.T.PRAJENDRAN NAIR**

RESPONDENT(S):

- 1. THE CHIEF MANAGER,
STATE BANK OF TRAVANCORE, ARPAN TOWERS,
KADAPPAKKADA, KOLAM, PIN-691 008**
- 2. THE ASSISTANT GENERAL MANAGER,
THE AUTHORIZED OFFICER,
STATE BANK OF TRAVANCORE,
BISHOP JEROME NAGAR, KOLLAM, PIN-691 001**
- 3. THE AUTHORIZED OFFICER,
STATE BANK OF TRAVANCORE,
STRESSED ASSETS RESOLUTION CENTRE (SARC)
ARPAN TOWERS, PRATHIBHA JN, KADAPPAKKADA,
KOLLAM, PIN-691 008**

R1 TO R3 BY SRI.R.S.KALKURA, SC, SBT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 3562 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE NOTICE NO.DGM/KLM/SME
DATED 12.6.2014 ISSUED BY THE RESPONDENT BANK TO THE
PETITIONER**

**EXHIBIT P2: TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE
RESPONDENT BANK DATED 23.9.2014 TO THE PETITIONER**

EXHIBIT P3: TRUE COPY OF THE JUDGMENT IN WPC NO.27178/14

**EXHIBIT P4: TRUE COPY OF THE LETTER DATED 24.12.2014 WITH NOTIFICATION
DATED 23.12.2014 ISSUED BY THE 3RD RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.3562 of 2015 (U)

.....
Dated this the 4th day of February, 2015

JUDGMENT

The petitioner has approached this Court, challenging the proceedings initiated by the respondent Bank for sale of the secured assets, pursuant to a default committed by the petitioner in re-payment of the loan amounts to the Bank.

2. When the matter came up for admission, it was noticed that, the petitioner had already approached this Court, for a similar relief through W.P.(C) No.27178 of 2018 and that was disposed by Ext.P3 judgment granting installment facility to the petitioner to discharge the liability to the respondent Bank.

3. The learned counsel for the petitioner would submit that, the petitioner could not comply with the said direction of this Court in Ext.P3 judgment and that is the reason why the respondents are now taking steps to sell the secured assets.

4. I am of the view that, if the petitioner is not in a position to comply with the directions already issued by this Court in Ext.P3 judgment, then, it is for him to approach this Court through a review petition against the said judgment, seeking modifications of the terms already granted. A separate writ petition claiming

the same relief cannot be maintained at the instance of the petitioner. Thus, I find that the present writ petition is not maintainable and resultantly, dismiss the same as not maintainable.

5. Learned counsel for the petitioner would submit that, while he can take steps to prefer a review petition against Ext.P3 judgment, there is a possibility that the sale proceedings may go on in the interregnum. Taking note of this submission, I stay further proceedings pursuant to Ext.P4 notification, for sale of the secured assets, for a period of ten days so as to enable the petitioner to pursue steps against Ext.P3 judgment, if he so chooses. It is made clear that on expiry of ten days from today, the stay granted shall automatically expire.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/05/02/