

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 3654 of 2015 (F)

PETITIONER:

**VENUKUMAR K., AGED 54 YEARS,
S/O.KESAVAN NAMBOOTHIRI, 103, RAMYA AGENCY,
F4 CROSS, 10TH MAIN, NEAR BWSSB WATER TANK,
JEEVAN BEEMA NAGAR, BANGALORE-560075.**

**BY ADVS.SRI.NAIR AJAY KRISHNAN
SRI.R.T.PRADEEP**

RESPONDENT(S):

- 1. ICICI BANK LIMITED, LAND MARK,
RACE COURSE CIRCLE, VADODARA,
HAVINGS ITS BRANCH OFFICE NEAR STATUE,
M.G.ROAD, THIRUVANANTHAPURAM, PIN-695 001,
REPRESENTED BY ITS AUTHORIZED SIGNATORY
RAJESH MATHEW.**
- 2. ABHA THANGOOR VASUDEVAN, 103, RAMYA AGENCY,
F4 CROSS, 10TH MAIN, NEAR BWSSB WATER TANK,
JEEVAN BEEMA NAGAR, BANGALORE-560075.**

**R1 BY SRI.A.A.ZIYAD RAHMAN, SC
BY ADV. SRI.LAL K.JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT P1 : TRUE COPY OF NOTICE DATED 07-01-2015 BY ADVOCATE COMMISSIONER TO PETITIONER.
- EXT P2 : TRUE COPY OF M.C.NO.1201/2014 DATED 13-11-2014 BEFORE CJM, THIRUVANANTHAPURAM.
- EXT P3 : TRUE COPY OF ORDR DATED 14-11-2014 IN M.C.1201/2014 BY CJM, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS:

- EXT.R1(A) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101254IN.
- EXT.R1(B) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101095IN.
- EXT.R1(C) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101149IN.
- EXT.R1(D) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101170IN.
- EXT.R1(E) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101223IN.
- EXT.R1(F) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101308IN.
- EXT.R1(G) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101339IN.
- EXT.R1(H) : TRUE COPY OF THE POSTAL TRACKERS EVIDENCISNG THE RECEIPT NO.EA 779101400IN.
- EXT.R1(I) : TRUE COPY OF THE REPRESENTATION ON 8.8.2014.
- EXT.R1(J) : TRUE COPY OF THE THE REPLY DATED 16.8.2014.
- EXT.R1(K) : TRUE COPY OF THE SALE DEED DATED 9.8.2007 OF SUB REGISTRARS OFFICE, THIRUVALLAM.

RESPONDENT'S EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.3654 of 2015
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Dated this the 31st day of March, 2015

J U D G M E N T

The petitioner had approached this Court aggrieved by the action of the respondent bank under the SARFAESI Act for recovery of loan amounts that were due from him. When the matter came up for admission, this Court granted the petitioner an interim stay against dispossession till the next date of posting. On the next date of posting, after hearing counsel for the respondent bank, interim stay against dispossession was extended on condition that the petitioner deposited an amount of Rs.5,00,000/- on or before 28.02.2015. When the case was called today, it is submitted by counsel for the petitioner that pursuant to the interim order of this Court, the petitioner has not remitted the amount of Rs.5,00,000/-. Under the said circumstances, I am of the view that, the petitioner is not entitled for the discretionary relief of this Court in these proceedings under Article 226 of the Constitution of India. The writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns

