

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3801 of 2015 (A)

PETITIONER:

**ROSAMMA THOMAS,
W/O.THOMAS, AGED 66 YEARS,
RESIDING AT CHETTIKKATTU HOUSE,
KONNAKKADU P.O., KASARAGOD DISTRICT.;**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT(S):

- 1. THE STATE BANK OF TRAVANCORE,
HOSDURG BRANCH, KANHANGAD.P.O., PIN - 671 315,
KASARAGOD DISTRICT,
REPRESENTED BY ITS CHIEF MANAGER.**
- 2. THE AUTHORIZED OFFICER (CHIEF MANAGER),
STATE BANK OF TRAVANCORE, HSODURG BRANCH,
KASARAGOD DISTRICT, PIN - 671 315.**

**BY SHRI T. SETHUMADHAVAN (SENIOR ADVOCATE)
ADVS. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 3801 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- THE TRUE COY OF THE NOTICE DATED 24.1.2014 ISSUED BY THE
2ND RESPONDENT TO THE PETITIONER'S SON SINOJ THOMAS AND TO THE
PETITIONER UNDER SECTION 13(2) OF THE SECURITIZATION AND
RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF
SECUTIRY INTEREST ACT 2002.
- P2- THE TRUE COPY OF THE JUDGMENT DATED 10.7.2014 IN
WP(C) NO.17250/2014 ON THE FILE OF THIS HON'BLE COURT.
- P3- THE TRUE COPY OF THE RECEIPT DATED 11.11.2014 ISSUED BY THE
1ST RESPONDENT.
- P4- THE TRUE COPY OF THE RECEIPT DATED 9.7.2014 ISSUED BY THE
1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 3801 of 2015 (A)

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Dated this the 6th day of February, 2015

JUDGMENT

The petitioner has approached this Court, challenging the recovery steps initiated by the respondent Bank for recovery of the loan amounts that were availed by the petitioner and her son.

2. When the matter came up for admission, it was noticed that, the petitioner's son had earlier approached this Court, seeking identical reliefs and the said writ petition was disposed by Ext.P2 judgment, where it was made clear that, if the petitioner's son was to clear off the arrears in respect of all the loan amounts, including those in the name of the petitioner herein, in ten equal monthly installments, then, the recovery steps initiated by the Bank would be kept in abeyance. It was also made clear that in the said judgment that, if there was any default in re-payment of the installments, then the petitioners would not get the benefit of the said judgment.

In the present writ petition, it is not in dispute by the petitioner that, defaults were committed in respect of the re-payments directed by Ext.P2 judgment. Under the said circumstances, I do not think the present writ petition can be maintained at the instance of the petitioner. In the result, this writ petition fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE