

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. 3822 of 2015 (C)

**-----
MC.NO. 218/2013 OF CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA**

PETITIONER :

**MANOJ KUMAR, AGED 36 YEARS,
S/O.GOPALAKRISHNAN NAIR, MADHU NIVAS,
THATTAMPALLY.P.O., ALAPPUZHA.**

BY ADV. SRI.R.T.PRADEEP

RESPONDENT :

**AUTHORISED OFFICER/CHIEF MANAGER,
BANK OF BARODA, KOLLAM BRANCH, VIZ.,
VIVEK GUPTA, REPRESENTING ALAPPUZHA BRANCH,
J & J AVENUE, MULLACKAL, VCSB ROAD, NEAR YMCA BRIDGE,
ALAPPUZHA-688 002**

BY SRI.DEVAN RAMACHANDRAN

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

sts

WP(C).NO.3822/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SANCTION LETTER DATED 8/2/2011 REGARDING HOUSING LOAN SANCTIONED TO PETITIONER.**
- P2 COPY OF THE NOTICE DATED 28/1/2013 UNDER SECTION 13(2) OF THE SARFAESI ACT.**
- P3 COPY OF THE NOTICE OF ADVOCATE COMMISSIONER DATED 9/1/2014**
- P4 COPY OF THE RECEIPT DATED 10/1/2014 AS TO THE REMITTANCE OF RS.75,000/-**
- P5 COPY OF THE JUDGMENT DATED 22/1/2014 IN WP(C).NO.2195/2014 BY THIS HON'BLE COURT**
- P6 COPY OF THE ORDER DATED 23/7/2014 IN I.A.NO.9851 OF 2014 IN WP(C). NO.2195 OF 2014.**
- P7 COPY OF THE ORDER DATED 30/10/2014 IN M.C.NO.218/2013 BY THE COURT OF CJM, ALAPPUZHA**
- P8 COPY OF THE CMP.NO.3533/2014 DATED 12/11/2014 FILED BEFORE CJM, ALAPPUZHA**
- P9 COPY OF THE ORDER DATED 11/12/2014 IN CMP.NO.3533/2014 DATED 11/12/2014.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.3822 of 2015 (C)

.....
Dated this the 6th day of February, 2015

JUDGMENT

The petitioner, who is aggrieved by the steps initiated by the respondent Bank for realisation of the loan amount from him, has approached this Court, seeking a direction to the respondent to keep in abeyance the said steps and to permit the petitioner to pay of the entire outstanding amounts in installments.

2. When the matter came up for admission, it was noticed that, the petitioner had already approached this Court on an earlier occasion and by Ext.P5 judgment, this Court had directed the petitioner to pay the entire amounts due to the respondent in twelve equal monthly installments starting from 28.02.2015, with respect to the Cash Credit account. There was also a direction to pay the overdue amount in respect of the housing loan in four equal monthly installments starting from the same date. It would appear that the petitioner did not comply with the said directions and approached this Court again through an I.A., filed in the said writ petition. By Ext.P6 order, this Court had extended the time to pay the defaulted overdue amounts till 30.09.2014. It is now understood that the petitioner has not complied with the said order either.

3. Under those circumstances, I do not think the present writ petition praying for substantially the same relief as was prayed for in the earlier writ petitions can be maintained at the instance of the petitioner, I, therefore, dismiss this writ petition as not maintainable.
4. The learned counsel for the petitioner would submit that the sale proceedings are underway to take possession of the property on 09.02.2015.
5. Taking note of the said submission, I direct that, if the petitioner pays an amount of Rs.3,00,000/- (Rupees Three lakhs only) to the respondent Bank on or before 07.02.2015, then, the proceedings for taking possession of the property shall be kept in abeyance for a period of two weeks from today. It is further made clear that, it is up to the petitioner to consider pursuing further steps against Ext.P5 judgment and P6 order of this Court, if he wants to keep the issue alive. The stay for two weeks, that is granted in this judgment, shall expire on the completion of the aforesaid period of two weeks.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE