

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).NO. 3981 OF 2015 (W)

PETITIONERS:

1. JOSEPH M.J., S/O.JOSEPH, AGED 58 YEARS
MULLAKKARIL HOUSE, THODUPUZHA P.O.,
IDUKKI DISTRICT, PROPRIETOR
M/S HOTEL HIGHWAY RESORTS PUDUKAD,
THRISSUR, THRISSUR DISTRICT, PIN -680 301.
2. TESSY JOSEPH, AGED 55 YEARS, W/O.JOSEPH
MULLAKKARIL HOUSE, THODUPUZHA P.O.,
IDUKKI DISTRICT, PROPRIETOR
M/S HOTEL HIGHWAY RESORTS, PUDUKAD
THRISSUR, THRISSUR DISTRICT, PIN -680 301

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS:

1. THE IRINJALAKUDA TOWN CO-OPERATIVE BANK,
HEAD OFFICE AT TANA SOUTH, IRINJALAKUDA- 680 121
THRISSUR DISTRICT, REPRESENTED BY ITS MANAGER.
2. THE AUTHORIZED OFFICER,
THE IRINJALAKUDA TOWN CO-OPERATIVE BANK,
HEAD OFFICE AT TANA SOUTH, IRINJALAKUDA- 680 121,
THRISSUR DISTRICT.

R1 BY SRI.DEVAPRASANTH.P.J., SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AS

WP(C).NO. 3981 OF 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1: TRUE COPY OF DEMAND NOTICE NO.101/94-2014/OD 2052
DATED 30.01.2014.

EXT.P2: TRUE COPY OF DEMAND NOTICE NO.101/95-2014/MTN 8548 DATED
30.01.2014.

EXT.P3: TRUE COPY OF REPRESENTATION DATED 4.2.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

AS

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.3981 of 2015 (W)
.....

Dated this the 8th day of April, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent Bank, defaulted in repayment of the same. When the respondent Bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002 for recovery of the loan amount, the petitioner approached this Court through the present writ petition.

2. When the matter came up for orders on 11.03.2015, considering the prayer of the petitioner for a grant of stay, and to test the petitioner's bonafides with regard to the repayment of the amounts to the respondent bank, this Court had granted the petitioner an interim stay pursuant to Exts.P1 and P2 demand notices, on condition that the petitioner pays an amount of Rs.7,50,000/- on or before 27.03.2015.

3. When the matter was called today, it is pointed out by the learned counsel for the petitioner that, the interim direction of this Court has not been complied with by the petitioner.

Under the said circumstances, I am of the view that, the petitioner is not entitled to the discretionary relief of this Court under Article 226 of the Constitution of India. Resultantly, this writ petition fails and it is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE