

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 5108 of 2015 (K)

PETITIONER(S):

- 1. V.I.USMAN, AGED 66,
S/O. LATE HYDROSE, VALLEPPILLY HOUSE, EDAPPALLY TOLL,
KOCHI-24.**
- 2. AFSAL V.U., AGED 34,
S/O. USMAN, RESIDING AT VALLEPPILLY HOUSE,
EDAPPALLY TOLL, KOCHI-24.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S):

**THEFEDERAL BANK LTD.,
REPRESENTED BY ITS CHIEF MANAGER AND AUTHORIZED
OFFICER UNDER SARFAESI ACT,
KALAMASSERY BRANCH, PREMIER JUNCTION, KALAMASSERY,
PIN-683 104.**

**BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 5108 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1 : TRUE PHOTOCOPY OF THE LETTER DTD.6.11.14 ISSUED BY THE
1ST PETITIONER TO THE RESPONDENT.**

**EXT. P2 : TRUE PHOTOCOPY OF THE LETTER DTD.31.12.14 ISSUED BY THE
RESPONDENT TO THE 1ST PETITIONER.**

**EXT. P3 : TRUE PHOTOCOPY OF THE SALE NOTICE DTD.12.1.15 ISSUED BY THE
RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.5108 of 2015 (K)
.....

Dated this the 20th day of February, 2015

JUDGMENT

The petitioners, who have availed of a loan from the respondent Bank, have approached this Court aggrieved by the actions taken by the respondent Bank to recover the defaulted loan amounts.

2. When the matter came up for admission, it was noticed that, the petitioners have earlier approached this Court on two occasions through W.P.(C) Nos.7588 of 2011 and 11787 of 2011 seeking for substantially the same reliefs as sought for in the present writ petition. It is noticed that on both those occasions, this Court dismissed the writ petitions filed by the petitioners by denying them the relief sought for. In the present writ petition, the petitioners seek for the very same relief and have approached this Court without disclosing the fact of dismissal of the earlier writ petitions.

On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I am of the view that the present writ petition cannot be maintained at the instance of the petitioners and the same is accordingly dismissed as not maintainable.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE