**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937**

**WP(C).No. 5266 of 2015 (G)**
**---------------------------**

**PETITIONER(S):**
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1. **UNNIKRISHNAN,S/O.SUBRAMONIAN,**
   **MARATHU HOUSE, NR.KSRTC, IRINJALAKUDA.**

2. **PRASEETHA, W/O.UNNIKRISHNAN,**
   **RESIDING AT ABOVE ADDRESS.**

**BY ADVS.SRI.K.B.PRADEEP**
**SRI.ASHOK SURESH**

**RESPONDENT(S):**
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1. **IRINJALAKUDA TOWN CO-OPERATIVE BANK,**
   **HEAD OFFICE, IRINJALAKUDA P.O., PIN - 680 121,**
   **REPRESENTED BY ITS SECRETARY.**

2. **AUTHORIZED OFFICER,**
   **IRINJALAKUDA TOWN CO-OPERATIVE BANK,**
   **HEAD OFFICE, IRINJALAKUDA P.O., PIN - 680 121.**

**BY ADV. SRI.DEVAPRASANTH.P.J.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**mbr/**

**WP(C).No. 5266 of 2015 (G)**
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**
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**EXT.P1: TRUE COPY OF THE SALE NOTCE NOTICE DATED 30.12.2014.**

**RESPONDENT(S)' EXHIBITS: NIL**
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**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C).No.5266 of 2015**

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**Dated this the 3rd day of November, 2015**

**J U D G M E N T**

The petitioner approached this Court aggrieved by the steps taken by the respondent bank under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', for recovery of the loan amounts. When the matter came up for admission on 19.02.2015, this Court had issued notice before admission to the respondent bank and also granted an interim stay of further proceedings pursuant to Ext.P1 sale notice till today. When the matter was taken up for orders today, it is submitted by counsel for the respondent bank that the petitioner had already approached this Court earlier through W.P.(C).No.12449 of 2014 claiming the same relief and this Court had on that occasion, by judgment dated 12.06.2014, granted the petitioner an opportunity to regularise the loan account by paying the defaulted arrears in six instalments along with a regular payment of EMI. It is submitted that the petitioner did not comply with the direction in the said judgment and, it is without disclosing the fact of having approached this Court earlier, that the petitioner has approached this Court through the present writ petition. Taking note of the said submission of counsel for the respondent bank, and also taking note of the judgment dated 12.06.2014 in W.P.(C).No.12449 of 2014, I am of the view that the present writ petition seeking substantially the same reliefs as was earlier sought by the petitioner, cannot be maintained at the instance of the petitioner. The writ petition therefore fails and is accordingly dismissed.

I also find that the petitioner had not disclosed the fact of having approached this Court on an earlier occasion and had suppressed the judgment dated 12.06.2014 in W.P(C).No.12449 of 2014 in the present writ petition. The said conduct of the petitioner cannot be legally countenanced and for this reason, while dismissing the writ petition, I also impose a cost of Rs.10,000/- on the petitioner which the petitioner shall pay to the respondent bank along with the dues that are outstanding from him towards the respondent bank.

**A.K.JAYASANKARAN NAMBIAR**
**JUDGE**

mns/03.11.15