

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 5328 of 2015 (M)

PETITIONER(S):

**CHITHARANJAN, AGED 49 YEARS,
S/O.RAMACHANDRAN, THEKKENKOYIKKAL,
PURAKKAD. P.O., AMBALAPPUZHA,
ALAPPUZHA.**

BY ADV. SRI.P.SHANES METHAR.

RESPONDENT(S):

- 1. STATE BANK OF TRAVANCORE,
PURAKKAD BRANCH, PURAKKAD, ALAPPUZHA,
REPRESENTED BY ITS BRANCH MANAGER, PIN-688 001.**
- 2. THE AUTHORISED OFFICER,
STATE BANK TRAVANCORE,
REGIONAL OFFICE, ALAPPUZHA-688 001.**

BY ADV. SRI.R.S.KALKURA, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 5328 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: TRUE COPY OF THE PASS BOOK PERTAINING TO PETITIONERS
LOAN ACCOUNT.**

**EXHIBIT P2: A TRUE COPY OF THE NOTICE DATED 29-12-2014 ISSUED BY
2ND RESPONDENT.**

**EXHIBIT P3: A TRUE COPY OF THE NOTICE DATED 29-12-2014 PUBLISHED IN
MATHRUBHUMI DAILY DATED 30-12-2014.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.5328 of 2015
.....

Dated this the 10th day of March, 2015

J U D G M E N T

The petitioner who had availed of a loan from the respondent bank defaulted in repayment of the same. When steps were taken by the bank for recovery of the amount by invoking the provision of the SARFAESE Act, the petitioner approached this Court through the present writ petition seeking the grant of instalments for clearing the liability due to the respondent bank. When the matter came up for admission, this Court had directed the petitioner to remit an amount of Rs.2,50,000/- on or before 04.03.2015, as a condition for grant of stay against confirmation of the sale that was proposed to be held on 19.02.2015.

When the matter was called up today, it is submitted by the learned Standing counsel for the respondent bank that, the petitioner has not complied with the directions in the interim order dated 19.02.2015. In that view of the matter, I am of the view that the petitioner, who has not shown his bonafides in the matter of settlement of dues, is not entitled to invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution of India. I am of the view that, the petitioner is not entitled to the

reliefs prayed for in the writ petition. The writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

