

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. 5499 of 2015 (J)

PETITIONER(S):

**ASHRAF P.K, AGED 60 YEARS,
S/O.KOCHU P.K, PALLINCHANKUDY (H), MUPPATHADAM P.O,
MANAKALATHETTA ROAD, ELOOKKARA, ALUVA-683 110.**

**BY ADVS.SRI.SAM ISAAC POTHIYIL
SRI.A.S.SREEJAN**

RESPONDENT(S) :

**STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS AUTHORISED OFFICER & CHIEF MANAGER,
STRESSED ASSETS RESOLUTION CENTRE, ZONAL OFFICE,
SBT BHAVAN, PANAMPILLY NAGAR, ERNAKULAM-682 036.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

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

Msd.

WP(C).No. 5499 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE DISCHARGE SUMMARY OF THE WIFE OF THE PETITIONER.

EXHIBIT P2: TRUE COPY OF THE JUDGMENT DATED 05.09.2013 IN W.P.(C).NO.22087/2013 OF THIS HON'BLE COURT.

EXHIBIT P3: TRUE COPY OF THE RECEIPTS (3 NOS.) EVIDENCING THE PAYMENTS OF RS.2 LAKHS ON 04.04.2014, RS.4 LAKHS ON 03.06.2014 AND RS.50,000/- ON 03.07.2014.

EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 19.01.2014 RECEIVED BY THE PETITIONER UNDER RULE 8(5) & (6) OF THE SECURITY ENFORCEMENT RULES, 2002.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 5499 of 2015 (J)
.....

Dated this the 20th day of February, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by the action of the respondent Bank in initiating steps for recovery of the defaulted loan amounts from the petitioner under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002.

2. When the matter was taken up for admission, it was noticed that the petitioner had already approached this Court through W.P.(C) No.22087 of 2013 claiming substantially the same relief as sought for in the present writ petition. On that occasion by Ext.P2 judgment, this Court had granted an installment facility to the petitioner to clear the defaulted amounts. It is brought to my notice that, the petitioner did not comply with the directions of the said judgment. Under the said circumstances, I am of the view that the present writ petition cannot be maintained at the instance of the petitioner. In the result, this writ petition fails and is accordingly dismissed.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/20/02/