

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 5659 of 2015 (F)

PETITIONER :

**CLEETUS, AGED 70 YEARS,
S/O.DAVID, PALLURITHIYIL HOUSE, KATTOOR P.O.,
ALAPPUZHA.**

BY ADV. SRI.MATHEW JAMES

RESPONDENT :

**AUTHORIZED OFFICER, UCO BANK,
ALLEPPEY BRANCH, SREE RAJESHWARY BUILDING,
CHURCH ROAD, MULLACKAL P.O, ALAPPUZHA-688 001;**

BY SRI.GEORGE KARITHANAM VARGHESE,SC,

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 5659 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : TRUE COPY OF THE RELEVANT PAGES OF THE APPLICATION FOR CASH
CREDIT FACILITY SUBMITTED BY THE PETITIONER'S SON.**

**EXT P2 : TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE ADVOCATE
COMMISSIONER DATED 18-06-2014.**

EXT P3 : TRUE COPY OF THE POSSESSION NOTICE DATED 14-01-2015.

**EXT P4 : TRUE COPY OF THE MEDICAL REPORT DATED 21-06-2014 ISSUED BY NEW
MEDICAL CENTRE HOSPITAL, DUBAI.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 5659 of 2015 (F)

.....
Dated this the 23rd day of February, 2015

JUDGMENT

The petitioner's son, who had availed of a cash credit facility from the respondent Bank, defaulted in re-payment of the same. When the respondent Bank initiated steps under Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act' against the secured assets, which belonged to the petitioner's son, he approached this Court through W.P.(C) No.3561 of 2013 seeking permission to repay the loan amount to the respondent Bank in installments.

2. It is stated that, the said writ petition was disposed by granting installment facility to the petitioner's son to discharge the liability to the respondent Bank. It is not in dispute in the instant case that the petitioner's son did not comply with the directions in judgment in W.P.(C) No. 3561 of 2013.
3. The petitioner in the present writ petitioner is the father, who is not the owner of the secured asset against which proceedings have been initiated by the respondent Bank. That apart, I am of the view that inasmuch as the petitioner's son had already approached this Court and obtained a favourable order and

thereafter did not comply with the directions in the judgment, the present writ petition at the instance of the petitioner cannot be maintained. Resultantly, the writ petition fails, and it is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/23/02/