

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5996 of 2015 (Y)

PETITIONER(S):

**K.S.ANIL KUMAR, AGED 38 YEARS,
S/O LATE T.N.SUKUMARAN, A.K.SADANAM, MURINJIKKAL P.O.,
ARUVAPURAM, PATHANAMTHITTA, PATHANAMTHITTA DISTRICT,
PIN: 689 645.**

BY ADV. SRI.V.A.SHAJI

RESPONDENT(S):

- 1. THE AUTHORIZED OFFICER,
STATE BANK OF TRAVANCORE, REGION - V,
PATHANAMTHITTA P.O.,
PATHANAMTHITTA DISTRICT, PIN:689 645.**
- 2. STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS BRANCH MANAGER, KALLELI BRANCH,
PATHANAMTHITTA P.O.,
PATHANAMTHITTA DISTRICT, PIN:689,645.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 5996 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE NOTICE UNDER SECTION 13(4) DATED 23.6.2014
ISSUED BY THE IST RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
WPC NO.17306 OF 2014 DATED 15.7.2014.**

**EXHIBIT P3: A TRUE COPY OF THE RECEIPTS FOR THE REMITTANCE
DATED 16.8.2014 MADE BY THE PETITIONER.**

**EXHIBIT P4: A TRUE COPY OF THE RECEIPTS FOR THE REMITTANCE
DATED 15.10.2014 MADE BY THE PETITIONER.**

**EXHIBIT P5: A TRUE COPY OF THE REPRESENTATION DATED 19.1.2015 SUBMITTED
BY THE PETITIONER TO THE IST RESPONDENT.**

**EXHIBIT P6: A TRUE COPY OF THE AUCTION SALE NOTICE DATED 1.2.2015
PUBLISHED IN VARTHAMANAM DAILY ON 8.2.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.5996 OF 2015 (Y)

Dated this the 25th day of February, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the steps taken by the respondent bank for recovery of the loan amounts that were defaulted by the petitioner.

2. When the matter was taken up for admission, it was noticed that the petitioner had already approached this Court on an earlier occasion seeking substantially the same relief as was sought for in the present writ petition. On that occasion, by Ext.P2 judgment, this Court had granted the petitioner six monthly installments to pay the amounts due to the respondent bank. Counsel for the petitioner would submit that although he had paid two installments pursuant to the said judgment, he could not effect payment of the other installments as directed in the said judgment. In view of the fact that the petitioner has not complied with the terms of Ext.P2 judgment and further, the relief sought for in the present writ petition is substantially the same as what was already claimed in the earlier writ

petition, I am of the view that the present writ petition cannot be maintained, at the instance of the petitioner. Accordingly, the writ petition is dismissed as not maintainable.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp