

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 6220 of 2015 (B)

PETITIONER(S) :

**D.DILI LAL, AGED 58 YEARS,
S/O.DEVADAS, RESIDING AT T.C.27/1151 NHRA-401,
ERATHU BUNGALOW, PATTOR, VANCHIYOOR,
THIRUVANANTHAPURAM- 695 035.**

**BY ADVS.SRI.T.C.SURESH MENON
SRI.P.N.SUKUMARAN
SRI.P.S.APPU
SRI.A.R.NIMOD**

RESPONDENT(S) :

- 1. CENTRAL BANK OF INDIA,
REGIONAL OFFICE, THIRUVANANTHAPURAM- 695 001,
REPRESENTED BY ITS AUTHORISED OFFICER,**
- 2. THE BRANCH MANAGER,
CENTRAL BANK OF INDIA, THIRUVANANTHAPURAM- 695 001.**

BY ADV. SRI.DEVAN RAMACHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE PHOTOGRAPH OF THE VILLAS PARTLY COMPLETED IN THE PROPERTY DATED NIL.**
- EXHIBIT P2: TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.22916/2014 ON THE FILE OF THIS HONOURABLE COURT DATED 09.10.2014.**
- EXHIBIT P3: TRUE COPY OF THE STATEMENT ISSUED BY THE BANK DATED 27.09.2014.**
- EXHIBIT P4: TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER ADDRESSING THE CHIEF MANAGER DATED 03.11.2014.**
- EXHIBIT P5: TRUE COPY OF THE RECEIPTS EVIDENCING THE PAYMENT DATED 06.11.2014 AND 05.12.2014.**
- EXHIBIT P6: TRUE COPY OF THE REPLY LETTER IN EXHIBIT P4 ISSUED BY THE BANK DATED 06.11.2014.**
- EXHIBIT P7: TRUE COPY OF THE PUBLIC SALE NOTICE ISSUED BY THE 1ST RESPONDENT BANK DATED 05.02.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.6220 of 2015

.....
Dated this the 26th day of February, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by the action taken by the respondent bank in taking steps to sell the secured assets which was mortgaged by the petitioner for the purposes of availing of a loan from the respondent bank. The prayer in the writ petition is for the grant of one months time to discharge the loan amount to the respondent bank. When the matter came up for admission, it was noticed that the petitioner had already approached this Court earlier through W.P.(C). No.22916 of 2014 and by Ext.P2 judgment, this Court had granted instalment facility to the petitioner to effect payment of the amounts due to the bank. It is submitted by counsel for the petitioner that the petitioner could not comply with the directions in Ext.P2 judgment. Under the said circumstances, I am of the view that the present writ petition, which seeks substantially the same relief as sought for in the earlier writ petition filed by the petitioner, cannot be maintained at the instance of the petitioner.

2. Resultantly, this writ petition fails and is accordingly dismissed as not maintainable. The petitioner is free to approach

the respondent bank for seeking any relief in connection with the repayment of the amounts.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

