

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C) .No. 6618 of 2015 (B)

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PETITIONER(S) :

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DR.K.K. BABU,  
AGED 52 YEARS, S/O.KUMARAN,  
MANAGING PARTNER, M/S. TALCON COMPANY,  
AYIRANALLUR P.O., EDAMON, PUNALUR,  
KOLLAM DISTRICT - 691 307,  
RESIDING AT MYLATTUPARA HOUSE,  
AYIRANALLUR P.O., EDAMON, PUNALUR  
KOLLAM DISTRICT - 691 307.

BY ADVS.SRI.JOMON P.VARGHESE  
SRI.E.S.SANEEJ.

RESPONDENT(S) :

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1. THE AUTHORISED OFFICER,  
BANK OF BARODA, PUNALUR BRANCH,  
KOLLAM-691 307.
2. THE CHIEF MANAGER,  
BANK OF BARODA, PUNALUR, KOLLAM-691 307.
3. THE ASSISTANT GENERAL MANAGER,  
BANK OF BARODA, REGIONAL OFFICE, TRIVANDRUM-695 001.

R1 BY ADV. SRI.DEVAN RAMACHANDRAN,  
R1 BY ADV. SRI.K.M.ANEESH,  
R1 BY ADV. SRI.ADARSH KUMAR,  
R1 BY ADV. SRI.K.SANTHOSH KUMAR (KALIYANAM) &  
R1 BY ADV. SRI.BIJU VARGHESE ABRAHAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

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EXT.P1: THE TRUE COPY OF THE SETTLEMENT PROPOSAL BEFORE THE 3RD  
RESPONDENT DATED 28/02/2015.

EXT.P2: THE TRUE COPY OF THE CMP 1631/2014 OF CJM COURT, MANJERI.

EXT.P3: THE TRUE COPY OF THE STATEMENT OF ACCOUNT OF RESPONDENT  
BANK.

RESPONDENT(S) ' EXHIBITS :

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NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

**A.K.JAYASANKARAN NAMBIAR, J.**

.....  
W.P.(C).No.6618 of 2015

.....  
Dated this the 6<sup>th</sup> day of April, 2015

**J U D G M E N T**

The petitioner is aggrieved by the steps taken by the respondent bank under the SARFAESI Act for recovery of loan amounts. When the matter came up for admission, taking note of the submission of counsel for the petitioner with regard to the financial hardship faced by the petitioner, and with a view to test the bona fides of the petitioner in the matter of repayment of the loan amounts to the respondent bank, this Court had granted the petitioner an interim stay as prayed for, on condition that the petitioner paid an amount of Rs.10 lakhs on or before 13.03.2015. When the matter was taken up today, it is reported by counsel for the petitioner that the petitioner has paid only an amount of Rs.1,00,000/- to the respondent bank and could not comply with the direction to pay Rs. 10 lakhs. Under the said circumstances, I am of the view that the petitioner is not entitled to the discretionary relief of this Court under Article 226 of the Constitution of India, in the present writ petition.

Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

mns

