

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 6656 of 2015 (F)

PETITIONER :

**THOMAS SCARIA
S/O. SCARIA THOMAS,
PEELIYANICKAL HOUSE, NALANCHIRA
THIRUVANANTHAPURAM**

BY ADV. SRI.M.SREEKUMAR

RESPONDENT :

**CATHOLIC SYRIAN BANK LIMITED
REPRESENTED BY ITS AUTHORISED OFFICER & DEPUTY ZONAL MANAGER
ZONAL OFFICE, MALANKARA BUILDING, 1ST FLOOR
UNIVERSITY CAMPUS, THIRUVANANTHAPURAM - 695 034**

BY ADV. SRI.C.A.JOY, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 6656 of 2015 (F)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 TRUE COPY OF THE NOTICE NO. TVPMZ/SARFAESI/2013 DATED
30-07-2013 ISSUED TO PETITIONER BY THE BANK.**
- EXT.P2 TRUE COPY OF JUDGMENT OF THIS HON'BLE COURT IN WPC
NO.500/2014 DATED 7-1-2014.**
- EXT.P3 TRUE COPY OF STATEMENT OF ACCOUNTS DATED 25-11-2014 ISSUED
TO THE PETITIONER FROM THE BANK.**
- EXT.P4 TRUE COPY OF THE AUCTION SALE NOTICE DATED 28-1-2015 ISSUED
TO PETITIONER BY THE BANK**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 6656 of 2015 ()

.....
Dated this the 3rd day of March, 2015

JUDGMENT

The petitioner has filed this writ petition challenging the steps initiated by the respondent Bank for recovery of the amounts due from him in terms of 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 on an earlier occasion through W.P.(C) No.500 of 2014, and this Court, by Ext.P2 judgment, had granted an installment facility to the petitioner to clear the defaulted amounts. It is not in dispute that, the petitioner did not comply with the directions in Ext.P2 judgment.

Under the said circumstances, I am of the view that the present writ petition seeking discretionary reliefs, 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/04/03

