

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 7023 of 2015 (C)

PETITIONER :

**A.K.KAREEM,
S/O.KUNJUMOHAMMED, AGED 58 YEARS,
RESIDING AT 'AMBADAN HOUSE',
PERUMBAVOOR, RAYONPURAM P.O.,
ERNAKULAM DISTRICT. PIN- 683 543.**

**BY ADVS.SRI.SAIJU S.
SRI.P.H.RISHAD**

RESPONDENT :

**CATHOLIC SYRIAN BANK,
ZONAL OFFICE, ERNAKULAM, P.B NO.1154, MARKET ROAD,
ERNAKULAM DISTRICT, PIN-682 011,
REPRESENTED BY ITS AUTHORISED OFFICER
UNDER THE SARFAESI ACT, 2002.**

BY SRI.JACOB SEBASTIAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.7023/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE POSSESSION NOTICE DATED 31/12/2013 UNDER SECTION 13(A) OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002, PUBLISHED IN THE NEW INDIAN EXPRESS DAILY KOCHI EDITION DATED 7/1/2014.
- P2 COPY OF THE JUDGMENT DATED 21/1/2014 OF THE HON'BLE HIGH COURT OF KERALA IN WRIT PETITION (CIVIL) NO.2116 OF 2014.
- P3 COPY OF THE ORDER DATED 4/3/2014 PASSED BY THE HON'BLE HIGH COURT OF KERALA IN IA.NO.3101/2014 IN WIRT PETITION (CIVIL) NO.2116 OF 2014.

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.7023 OF 2015 (C)

Dated this the 5th day of March, 2015

J U D G M E N T

The prayer in the writ petition is for the grant of installments to enable the petitioner to clear the outstanding dues to the respondent bank, so as to prevent the respondent bank from taking further steps 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 12 equal monthly installments commencing from 28.2.2014 to pay the amounts due to the respondent bank. The petitioner, thereafter, again approached this Court through I.A.No.3101/2014 seeking extension of time for making payment of the first installment which fell due on 28.2.2014, and this Court granted time for making the payment of the first installment

from 25.3.2014. Counsel for the petitioner would submit that he could not effect payment of the 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