

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 7262 of 2015 (G)

PETITIONER(S) :

**SANTHOSH KUMAR, AGED 52 YEARS,
S/O.DEVADAS, GOLDEN VALLEY, ATHAZHAMANGALAM,
OLATHANNI, NEYYATTINKARA.**

BY ADV. SRI.R.T.PRADEEP

RESPONDENT(S) :

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
REGISTERED OFFICE, "BHADRATHA", P.B NO.510,
MUSEUM ROAD, THRISSUR- 680 020.**
- 2. MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
NEYYATTINKARA BRANCH II, NEYYATTINKARA- 695 121.**
- 3. SPECIAL DEPUTY TAHSILDAR(R.R),
OFFICE OF SPECIAL DEPUTY TAHSILDAR(RR), K.S.F.E LTD.,
AKSHAYA SHOPPING COMPLEX, NEYYATTINKARA- 695 121.**

R1 & R2 BY ADV. SRI.ALEXANDER.C.V., S.C

R3 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: TRUE COPY OF NOTICE OF SALE OF IMMOVABLE PROPERTY DATED 24-11-2014 UNDER SELECTION 49(2) OF THE ACT.

EXHIBIT P2 TRUE COPY OF REPRESENTATION NIL DATED BY PETITIONER BEFORE CHIEF MINISTER OF KERALA.

EXHIBIT P3 TRUE COPY OF CERTIFICATE DATED 09-04-2013 REGARDING THE TABLE OF FEES TO BE PAID BY THE DAUGHTER OF PETITIONER.

EXHIBIT P4 TRUE COPY OF TREADMILL TEST OF PETITIONER.

EXHIBIT P5 TRUE COPY OF AUCTION NOTICE DATED 20-01-2015 UNDER SECTION 49(4) OF THE ACT SCHEDULING THE SALE OF PROPERTY BY PUBLIC AUCTION ON 10-03-2015.

RESPONDENT'S EXHIBITS:

EXT.R1A COPY OF THE SALE NOTICE DATED 24/11/2014.

//TRUE COPY//

P.A TO JUDGE

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.7262 of 2015
.....

Dated this the 31th day of March, 2015

J U D G M E N T

The petitioner who had availed of a loan from the respondent company, defaulted in repayment of the same. He is aggrieved by the steps taken by the respondent company for recovery of the loan amounts. When the matter came up for admission, this Court had directed the petitioner to pay an amount of Rs.50,000/- on or before 20.03.2015, as a condition for stay of the sale proceedings that were initiated by the respondent company. This payment was directed to be made, to test the bonafides of the petitioner. When the matter was taken up today, it is brought to my notice by counsel for the petitioner that the petitioner has not remitted the amount of Rs.50,000/- as directed by this Court. 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

