

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 8811 of 2015 (B)

PETITIONER

**SHAJI RAGHAVAN
S/O.LATE C.K. RAGHAVAN,
VMC 24/1013,
KOTTAKAZHIKOM,
MUNDAYIL, VARKALA,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.R.ANILKUMAR
SRI.P.M.RAJAGOPAL**

RESPONDENT(S)/RESPONDENTS:

**1. THE AUTHORISED OFFICER,
ASSISTANT GENERAL MANAGER,
RASMECOC BRANCH,
STATE BANK OF INDIA,
2ND FLOOR,
RAVIS ARCADE,
NEAR IRON BRIDGE,
KOLLAM 691013.**

**2. STATE BANK OF INDIA,
REP BY BRANCH MANAGER,
SHAM BUILDINGS
OPPOSITE RAILWAY STATION,
VARKALA P O, PIN-695141,
THIRUVANANTHAPURAM DIST.**

R1 & R2 BY ADV. SRI.GEORGE THOMAS (MEVADA) (SR.), SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 8811 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- THE TRUE PHOTOCOPY OF THE NO RASSMECCC/KLM/30344156012 DTD 5/1/2015.**
- P2:- THE TRUE PHOTOCOPY OF THE LETTER ISSUED TO THE BRANCH MANAGER, KSFE LTD, ATTINGAL BRANCH NO RASSMECCC/KLM/30344156012 DTD 5/1/2015.**
- P3:- THE TRUE PHOTOCOPY OF THE LETTER NO OUR REF NO 011 DTD 30/1/2015.**
- P4:- THE TRUE PHOTOCOPY OF THE LETTER DTD 13/3/2015 ISSUED BY ADVOCATE COMMISSIONER.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.8811 of 2015

.....
Dated this the 19th day of March, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same, has approached this Court challenging the steps taken by the respondent bank under the SARFAESI Act. The facts in the writ petition would reveal that, when the bank had initiated steps earlier, pursuant to default occasioned by the petitioners, on two occasions, the petitioner had approached this Court through W.P.(C).No.332034 of 2011 and W.P.(C).No.8791 of 2014. While the former writ petition was dismissed with a direction to deposit arrears in five instalments, it is not in dispute that the said directions were not complied with. Taking note of the said fact, the subsequent W.P.(C).No.8791 of 2014 was dismissed on the ground that the petitioner had not complied with the directions in the earlier judgment. It is the case of the petitioner that, thereafter he has made substantial payments. The said payments do not take away from the fact, however, that the petitioner,, who had obtained the benefit of the judgment of this Court, had not complied with the directions in the said judgment in the matter of repayment. Under the said circumstances, the present writ petition which is filed by the petitioner seeking substantially the same reliefs as were already

claimed in the earlier writ petition, cannot be maintained at the instance of the petitioner. The writ petition fails, and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

