

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 8988 of 2015 (W)

PETITIONER(S):

1. DINURAJ S., S/O. SURESH BABU,
KP XS/617-D, NJATTADIVARAM ROAD,
VATTAPPARA, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM -695 028.
2. T.S. REMYA,
W/O. DINJURAJ, KP XS/617-D, NJATTADIVARAM ROAD,
VATTAPPARA, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM -695 028.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT :

**REPCO HOME FINANCE LTD.,
REPCO TOWER NO. 33, NORTH USMAN ROAD, T. NAGAR,
CHENNAI AND ONE OF ITS BRANCH AT T.C. 25/1655(6),
REMA PLAZA, FIRST FLOOR, SC KOVIL ROAD,
THAMPANOOR, THIRUVANANTHAPURAM-1,
REPRESENTED BY ITS AUTHORISED OFFICER.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 8988 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE JUDGMENT DT. 17.12.13 IN WPC NO. 29142/13 FILED BY THE PETITIONER BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.**
- P2 - TRUE COPY OF THE ORDER DT. 23.6.14 IN IA NO. 8010/2014 IN WPC NO. 29142/2013 BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.**
- P3 - TRUE COPY OF THE STATEMENT OF ACCOUNTS DT. 17.9.14.**
- P4 - TRUE COPY OF THE LAWYER NOTICE DT. 30.1.15 ISSUED BY THE PETITIONER TO THE RESPONDENT BANK.**
- P5 - TRUE COPY OF THE SALE NOTICE PUBLISHED IN THE MALAYALA MANORAMA DAILY IN ITS THIRUVANANTHAPUAM EDITION DT. 08.2.15.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.8988 of 2015
.....

Dated this the 30th day of March, 2015

J U D G M E N T

The petitioners, who are aggrieved by the steps taken by the respondent bank under the SARFAESI Act for recovery of the loan amounts, had approached this Court on an earlier occasion when the respondent bank had initiated steps for recovery of the loan amounts. By Ext.P1 judgment, this Court had permitted the petitioners to pay the overdue amount in four equal monthly instalments commencing from 31.12.2013. It was made clear in the said judgment that the said payment in instalments was to be over and in addition to the equated monthly instalments which the petitioners were even other wise obliged to pay. It is not in dispute that the petitioners did not effect the payment as contemplated in Ext.P1 judgment. Under the said circumstances, I am of the view that the petitioners are 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. The petitioners are free to approach the respondent bank seeking any relief, either with regard to one time settlement or interest waiver .

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

