

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936**

**WP(C).No. 9017 of 2015 (B)**  
-----

**PETITIONER(S):**  
-----

1. **ABDUL JAMAL K K,  
S/O. KASSIM, KANNANCHAKKASERRY HOUSE, PATTANAM  
VADAKKEKKARA PO, PARAVUR TALUK,  
ERNAKULAM DISTRICT.**
2. **SMT. PYARIJAN,  
W/O. ABDUL JAMAL, KANNANCHAKKASERRY HOUSE, PATTANAM  
VADAKKEKKARA PO, PARAVUR TALUK,  
ERNAKULAM DISTRICT.**

**BY ADV. SRI.K.A.MANZOOR ALI**

**RESPONDENT(S):**  
-----

1. **THE NORTH MALABAR GRAMIN BANK  
NMG TOWERS, PALLIKUNNU KANNUR,  
REP BY ITS GENERAL MANAGER-670004.**
2. **THE NORTH MALABAR GRAMIN BANK,  
N. PARAVURBRANCH, REP BY ITS BRANCH MANAGER  
PIN-683 315.**

**BY SRI.DEVAN RAMACHANDRAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**WP(C).No. 9017 of 2015 (B)**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

**EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 11.8.2011 IN WPC  
NO.21895/2011**

**EXHIBIT P2: TRUE COPY OF THE JUDGMENT DATED 18.11.2011 IN WRIT APPEAL  
NO.1756/2011**

**EXHIBIT P3: TRUE COPY OF THE EXTRACT OF THE LEDGE SHOWING THE  
PAYMENT OF INSTALLMENTS MADE BY THE PETITIONER**

**EXHIBIT P4: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER  
DATED 6.3.2015 FILED BY THE PETITIONER**

**RESPONDENT(S)' EXHIBITS**  
-----

**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.K.JAYASANKARAN NAMBIAR, J.**

.....  
W.P.(C).No.9017 of 2015  
.....

Dated this the 20<sup>th</sup> day of March, 2015

**J U D G M E N T**

The petitioners, who had availed of a loan from the respondent bank, and 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, seeking identical reliefs, the petitioners had already approached this Court earlier, and by Ext.P1 judgment, this Court had granted instalment facility to the petitioners for paying the defaulted amounts in 10 instalments. It is not in dispute that the said directions were not complied with. Under the said circumstances, the present writ petition, which is filed by the petitioners seeking substantially the same reliefs as were already claimed in the earlier writ petition, cannot be maintained at the instance of the petitioners. The writ petition fails, and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR  
JUDGE**

