

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. 9047 of 2015 (E)

PETITIONER:

**MAJEED K. AGED 42 YEARS
S/O.MOHAMMED (LATE)
KUNIYIL VEEDU,
AYYANTHODE P.O.
MANGATTIDAM, KUTHUPARAMBA
KANNUR DISTRICT**

BY ADV. SRI.P.M.HABEEB

RESPONDENTS:

- 1. AUTHORISED OFFICER/DEPUTY GENERAL MANAGER,
THE KERALA REGIONAL OFFICE, COLOMBO COMPLEX,
M MJ ALI ROAD,
KOZHIKODE - 680 001**
- 2. THE KERALA STATE CO-OPERATIVE BANK LTD.
KANNUR BRANCH, REPRESENTED BY BRACH MANAGER.
R.M.APARTMENTS,
TALAP, KANNUR - 670 002**

BY SRI.GEORGE POONTHOTTAM, SC, KERALA STATE CO.OP BANK LTD.

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

WP(C).No. 9047 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

P1 : TRUE COPY OF THE ORDR IN WRIT PETITION NO.3550 OF 2012

P2 : THE TRUE COPY OF THE NOTICE DATED 18.02.2015.

RESPONDENT'S EXHIBITS: NI

//TRUE COPY//

P.A. TO JUDGE

smv

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No. 9047 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent bank, defaulted in re-payment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', against the petitioner.

2. When the bank had earlier initiated proceedings under the SARFAESI Act, the petitioner approached this Court through W.P.(C) No.3550 of 2012. On that occasion, this Court, by Ext.P1 judgment had permitted the petitioner to discharge his liability in twelve equal monthly installments. It is not in dispute that the petitioner did not comply with the direction in Ext.P1 judgment.

3. Under the said circumstances, I am of the view that the present writ petition, which seeks substantially the same relief as

earlier sought for by the petitioner, cannot be maintained at the instance of the petitioner. The writ petition fails and it is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

//true copy// P.A to Judge

smv