

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. 9342 of 2015 (P)

PETITIONER :

**VIJAYAN ASARI, AGED 54 YEARS,
"SISIRAM", VELLALIMBU VEEDU, PULLUVILA P.O.,
THIRUVANANTHAPURAM.**

**BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA**

RESPONDENTS :

- 1. THE FEDERAL BANK LTD.,
FEDERAL TOWERS, M.G.ROAD, THIRUVANANTHAPURAM - 695 001.
REPRESENTED BY ITS CHIEF MANAGER (AUTHORISED OFFICER)**
- 2. SENIOR MANAGER
THE FEDERAL BANK LTD. BR.NEYATTINKARA,
SWEDSHABHIMANI COMPLEX, NEYATTINKARA,
THIRUVANANTHAPURAM - 695101.**
- 3. JYOTHIKUMAR.V, JYOTHI BHAVAN,
THADATHIKULAM, KANJIRAMKULAM P.O. - 695 101.**
- 4. J.S.PADMA BAI,
TEACHER, GOVERNMENT UPPER PRIMARY SCHOOL, PUTHICAL
THANNOMOODU, BALARAMAPURAM, NEYATTINKARA
THIRUVANANTHAPURAM - 695 101.**

**R1 & R2 BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)
BY ADV. SMT.SALI. P. MATHEW (MUNNAR)
R3 & R4 BY ADV. SRI.MILLU DANDAPANI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 9342 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE NOTICE DTED 25.7.2008 OF THE 2ND RESPONDENT.**
- P2: TRUE COPY OF THE LETTER DATED 23.9.2008 OF THE 2ND RESPONDENT.**
- P3: TRUE COPY OF THE ORDER DATED 29.12.2014 IN M.C.NO.1374 OF THE CJM,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.9342 of 2015
.....

Dated this the 31st day of March, 2015

J U D G M E N T

The petitioner is aggrieved by the steps taken by the respondent bank under the SARFAESI Act for recovery of loan amounts. Counsel for the respondent bank would submit that the petitioner, who is a guarantor to the loan, had already approached this Court earlier when steps were taken by the respondent bank to recover the loan amounts. It is submitted that, on that occasion, this Court had in W.P.(C).No.23753 of 2009, permitted the petitioner to deposit the amounts in instalments. It is not in dispute that the petitioner did not comply with the directions in the judgment rendered in the writ petition referred to above. 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

