

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9635 of 2015 (D)

PETITIONER :

**PRASAD.S.,
S/O.SOMASEKHARAN, AGED 44 YEARS,
NETHRATHALA VEEDU, NMC NO.3/297, ATHIYANNOOR,
ARALUMOODU POST, NEYYATTINKARA.**

BY ADV. SRI.G.SUDHEER

RESPONDENT :

**THE FEDERAL BANK LTD.,
PALAYAM, REPRESENTED BY ITS AUTHORIZED OFFICER,
THIRUVANANTHAPURAM-695 001**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.9635/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE JUDGMENT DATED 25/2/2014 IN WP(C).NO.31990/2014 PASSED BY THIS HONOURABLE COURT.**
- P2 COPY OF THE POSSESSION NOTICE DATED 15/10/2014 ISSUED BY THE RESPONDENT BANK TO THE PETITIONER.**
- P3 COPY OF THE SALE NOTICE SENT BY THE RESPONDENT BANK TO THE PETITIONER DATED 20/2/2015**
- P4 COPY OF THE WRITTEN REQUEST SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT BANK.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.9635 of 2015

.....
Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner who had availed of a loan from the respondent bank has approached this Court challenging the proceedings initiated by the respondent bank under the SARFAESI Act. A perusal of the averments in the writ petition would disclose that the petitioner had already approached this Court through W.P.(C).No.31990 of 2013, on an earlier occasion when he had defaulted in repayment of the loan, and the bank had taken steps for recovery of the loan amounts in terms of the SARFAESI Act. In Ext.P1 judgment, that was passed by this Court in the said writ petition, the petitioner was given a facility of payment of defaulted amounts in instalments. It is not in dispute that the petitioner did not comply with the directions in the said judgment. Under such circumstances, I am of the view that, the present writ petition that seeks identical reliefs as was already sought for by the petitioner 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**

