

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11499 of 2015 (J)

PETITIONER(S):

**M/S.N.M.MINERALS INDIA (PVT.) LTD.,
S/210A, MADAKKATHARA, MANNUTHY,
THRISSUR 680 651, REP. BY ITS MANAGING
DIRECTOR BALAKRISHNAN NAIR.**

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENT(S):

**THE AUTHORISED OFFICER/CHIEF MANAGER
FEDERAL BANK LTD., CITY CASTLE, EAST FORT,
THRISSUR 680 005.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C).NO.11499/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE JUDGMENT DATED 29.2.2012 IN W.P.(C).NO.25922/11.

EXT.P2: COPY OF THE RECEIPT OF PAYMENT DATED 24.8.2012 ISSUED BY THE RESPONDENT BANK.

EXT.P3: COPY OF THE REQUEST DATED 28.3.2015 SUBMITTED BEFORE THE DEPUTY GENERAL MANAGER, HEAD OFFICE, ALUVA.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.11499 OF 2015 (J)

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment 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', to recover the loan amounts. In the writ petition, the petitioner challenges the said action initiated by the respondent bank for realisation of the defaulted loan amounts.

When the matter came up for admission, it was noticed that the petitioner had earlier approached this Court through W.P.(C). No.25922/2011, when, by Ext.P1 judgment, while disposing the writ petition, this Court had directed the petitioner to effect payment of Rs.15 lakhs on or before 31.3.2012. It is not in dispute that the petitioner did not comply with the said direction of this Court. Under the said circumstances, I am of the view that the petitioner is not

entitled to the discretionary relief of this Court in these proceedings under Article 226 of the Constitution of India. Resultantly, the writ petition fails, and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp