

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 11998 of 2015 (Y)

PETITIONER :

**S.JAYAN, AGED 58 YEARS,
S/O.SUKUMARAN, PROP.MS. BHARGAVI INDUSTRIES,
SUKU NIVAS, KARUMARAM, KAKKAVILA P.O.,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM.**

BY ADV. SRI.P.PUSHPARAJAN

RESPONDENT(S):

- 1. THE BRANCH MANAGER,
CANARA BANK, ARUMANOOR BRANCH, POOVAR P.O.,
THIRUVANANTHAPURAM -695 525**
- 2. THE AUTHORISED OFFICER, (CHIEF MANAGER),
CANARA BANK, CIRCLE OFFICE, MG.ROAD,
THIRUVANANTHAPURAM- 695 039**
- 3. DISTRICT COLLECTOR/DISTRICT MAGISTRATE,
CIVIL STATION, KANYAKUMARI DISTRICT,PIN- 629 702**

**R1 & R2 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS
SRI.P.GOPINATH MENON, SC, CANARA BANK
R3 BY GOVERNMENT PLEADER SMT. M.T.SHEEBA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 11998 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE STATEMENT OF THE REPAYMENT MADE TO THE 1ST
RESPONDENT BANK DATED 11/06/2014
- P2 COPY OF THE LETTER ISSUED TO THE BANK BY THE PETITIONER DATED
08/03/2014
- P3 COPY OF THE LETTER ISSUED TO THE BANK BY THE PETITIONER DATED
17/10/2014.
- P4 COPY OF THE JUDGMENT IN WP(C).NO.29464/2014 DATED 11/11/2014.
- P5 COPY OF THE REGISTERED LETTER NO.ARMNR/R&L/118/2015 DATED
13/02/2015 ISSUED BY THE BANK TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.11998 of 2015

Dated this the 1st day of June, 2015

JUDGMENT

The petitioner, a defaulter of loan account, has approached this Court challenging the action of the respondent Bank under SARFAESI proceedings. The main relief sought in the writ petition itself is seeking a direction against respondents to comply with directions in the earlier judgment.

2. The petitioner approached this Court in W.P.(C) No.29464/2014 and this Court permitted the petitioner to find out a buyer and sell a portion of the property and settle the loan account under One Time Settlement Scheme in the manner to be specified by the Bank.

3. It is submitted by the learned counsel for the Bank that the Bank has offered One Time Settlement Scheme by letter dated 4.2.2015. However, nothing has been materialised

thereon.

4. The petitioner's present grievance is that if the petitioner is given six months time, the entire liability can be settled and he has already found out a buyer.

I am afraid; in the light of the earlier judgment, this Court cannot grant any relief to the petitioner. However, if the petitioner approaches the Bank, the Bank will consider the application of the petitioner if the Bank is satisfied with the genuineness of the claim.

With that liberty, this writ petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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