

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 14035 of 2015 (D)

PETITIONER(S):

**SHAJI PAPPACHAN, AGED 49 YEARS,
S/O.PAPPACHAN, PROPRIETOR OF
THEKKUMKATTIL HERBAL PRODUCTS,
THEKKUMKATTIL HOUSE, VADIYIL PEEDIKA,
KAVUMBHAGAM P.O., DHANYA CORNER,
THALASEERI - 670 110, KANNUR.**

BY ADV. SRI.NISHIN GEORGE VIJAYABABU.

RESPONDENT(S):

**THE AUTHORISED OFFICER,
STATE BANK OF INDIA, RASEMECCC,
KANNUR.**

BY ADV. SRI.R.S.KALKURA, SC.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE LEGAL SERVICE AUTHORITY THALASSERY.
- EXHIBIT P2. COPY OF THE DEMAND NOTICES ISSUED BY THE TAHSILDAR RR, THALASSERY DATED 11.01.2012.
- EXHIBIT P3. COPY OF THE LETTER ISSUED BY THE TAHSILDAR (RR) THALASSERY DATED 21.08.2013.
- EXHIBIT P4. COPY OF THE DEMAND NOTICE DATED 16.07.2013 ISSUED BY THE RESPONDENT U/S 13(2) OF THE SARFAESI ACT.
- EXHIBIT P5. COPY OF REPLY DATED 19.07.2013 TO EXHIBIT P-4 NOTICE.
- EXHIBIT P6. COPY OF THE REPLY DATED 25.07.2013 ISSUED BY THE RESPONDENT TO THE EXHIBIT P5 LETTER.
- EXHIBIT P7. COPY OF THE POSSESSION NOTICE DATED 07.01.2014 ISSUED BY THE RESPONDENT TO THE PETITIONER.
- EXHIBIT P8. COPY OF THE ORDER OF THIS HON'BLE COURT IN WP(C).NO.13510/2014 DATED 02.06.2014.
- EXHIBIT P9. COPY OF THE COUNTERFOIL EVIDENCING PAYMENT OF RS.2,00,000/- ON 03.03.2015.
- EXHIBIT P10. COPY OF THE PAY COUNTERFOIL EVIDENCING PAYMENT OF RS.2,00,000 ON 07.04.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

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Dated this the 13th day of November, 2015

JUDGMENT

The petitioner, who is aggrieved by the steps taken by the respondent bank for recovery of defaulted loan amounts, appears to have approached this Court on an earlier occasion, when faced with recovery steps initiated by the respondent bank. By Ext.P8 judgment, this Court in WP(C) No.13510 of 2014, had granted the petitioner the facility of paying the defaulted amounts in installments as a condition for keeping in abeyance the recovery steps initiated against the petitioner. It is not in dispute that the petitioner did not comply with the directions in Ext.P8 judgment. Notwithstanding that, when the present writ petition came up for admission, this Court by an interim order dated 20.05.2015, permitted the petitioner to deposit an amount of Rs.10,00,000/- for seeking re-delivery of the assets which had already been taken possession by the respondent bank. When the matter was called up to day, it is submitted by counsel for the respondent bank that the petitioner has not deposited the amount of Rs.10,00,000/-, that he was permitted to deposit by the interim order aforementioned. Taking note of the said submission of counsel for the respondent bank, I am of the view that the petitioner cannot aspire for any

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discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India. Accordingly, the writ petition fails and is dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /13.11.15