

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 15010 of 2015 (A)

PETITIONER(S):

B SURESH KUMAR
AGED 47 YEARS, S/O.BHARATHAN,
TC.66/671-1, WEST POONKULAM,
VELLAYANI P.O., THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S):

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1. THE CATHOLIC SYRIAN BANK LTD.,
REPRESENTED BY THE ZONAL MANAGER, ZONAL OFFICE,
PALAYAM, THIRUVANANTHAPURAM - 695 004.
 2. THE AUTHORIZED OFFICER UNDER THE SARFAESI ACT,
THE CATHOLIC SYRIAN BANK LIMITED, ZONAL OFFICE,
PALAYAM,
THIRUVANANTHAPURAM - 695 004.
 3. THE BRANCH MANAGER,
CATHOLIC SYRIAN BANK LIMITED,
KAWDIAR BRANCH, THIRUVANANTHAPURAM - 695 002.

R1-R3 BY ADV. SRI.C.A.JOY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1: TRUE COPY OF THE NOTICE OF THE ADVOCATE COMMISSIONER.
EXT.P2: TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED 4.5.2015.
EXT.P3: TRUE COPY OF THE NOTICE OF THE 2MD RESPONDENT DATED 12.1.2015.

RESPONDENT(S) ' EXHIBITS :

EXT.R2A: TRUE COPY OF THE JUDGMENT IN WP(C)NO.25833/14 DATED 19/11/2014.
EXT.R2B: TRUE COPY OF THE SALE NOTICE DATED 12/01/2015 ISSUED TO THE
PETITIONER AND PUBLISHED IN THE NEWSPAPER.
EXT.R2C: TRUE COPY OF THE ACKNOWLEDGEMENT DATED 26/05/2015 ISSUED BY THE
PETITIONER.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15010 of 2015

Dated this the 10th day of August, 2015

JUDGMENT

The petitioner approached this Court challenging SARFAESI proceedings. The petitioner seeks a prayer to discharge the entire liability by way of instalments and to regularize the account.

2. In this matter, a counter affidavit has been filed by the respondents. It is stated in the counter affidavit that the petitioner had approached this Court by filing W.P.(C) No.25833/2014 and he was given five equal monthly instalments to clear the overdue amount. The petitioner did not honour the conditions in the above judgment. Thereafter, the petitioner again approached this Court in W.P.(C)No.12933/2015. This was withdrawn by the petitioner. The present prayer is challenging the very same SARFAESI proceedings.

In view of the fact that the petitioner has been already given an instalment facility to clear the amount and he failed to honour the directions in the judgment and there is no merit in this writ petition. Accordingly, it is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE