

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 15149 of 2015 (P)

PETITIONER : -

CHENNAPPA MOOLYA,
S/O.KOGGA MOOLYA,
ERUGALLU HOUSE,
ADYANADUKA(P.O.),
ENMA KAJE VILLAGE,
KASARAGOD.

BY ADV.SRI.K.PRAVEEN KUMAR

RESPONDENTS : -

1. THE KASARAGOD PRIMARY CO-OPERATIVE AGRICULTURE & RURAL
DEVELOPMENT BANK LTD, NO.F.F.113, UPPALA BRANCH,
REPRESENTED BY ITS SECRETARY, UPPALA, KASARAGOD.
2. THE SALE OFFICER,
KASARAGOD PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL
DEVELOPMENT BANK LTD. ,
UPPALA, KASARAGOD.

R1 BY ADV.SRI.PUSHPARAJAN KODOTH
R1 BY ADV.SRI.K.JAYESH MOHANKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 15149 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS : -

EXT.P1 : TRUE COPY OF THE SALE PROCLAMATION NOTICE DATED 04/04/15
ISSUED BY 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 15149 of 2015

Dated this the 30th day of July, 2015

JUDGMENT

The petitioner, a borrower, filed the writ petition questioning the steps being taken by the first respondent Bank to realize the outstanding loan amount by directing the sale of mortgaged property. Initially, this Court, on 22.05.2015, issued a stay on the condition of the petitioner depositing Rs.75,000/- within four weeks. The condition has not been complied with. When the matter was listed on 19.06.2015, this Court, orally, made it clear that since the condition has not been complied with, the interim stay has not come into force and that the respondent Bank is at liberty to proceed further.

2. Today, the learned counsel for the respondent Bank has reported that sale is about to take place.

3. The learned counsel for the petitioner, on her part, has submitted that the petitioner could not comply with the interim condition owing to financial stringencies. Be that as it may, I do not see anything further surviving in the writ petition on merits. Accordingly, the writ petition stands dismissed. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-