

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 17143 of 2015 (P)

PETITIONER(S) :

**PRIYAKUMAR, AGED 46 YEARS,
S/O.GOPINATHAN, P.M.G.COMPOUND, AMARAVILA P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.R.GOPAN

RESPONDENT(S) :

- 1. THE MANAGER, STATE BANK OF TRAVANCORE,
UDIYANKULANGARA BRANCH, UDIYANKULANGARA P.O.,
NEYATTINKARA- 695 121.**
- 2. THE AUTHORISED OFFICER/
CHIEF MANAGER (ADVANCES), STATE BANK OF TRAVANCORE,
REGION II, ZONAL OFFICE, K.S.H.B. BUILDING,
SANTHI NAGAR, THIRUVANANTHAPURAM-695 001.**

BY ADV. SRI.JAWAHAR JOSE, STATE BANK OF TRAVANCORE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** PHOTOCOPY OF THE WOUND CERTIFICATE ISSUED BY THE MEDICAL OFFICER, NIMS HOSPITAL, AARALUMMOOD DATED 03-03-2012.
- EXHIBIT P2:** PHOTOCOPY OF THE NOTICE DATED 30-07-2013 ISSUED BY RESPONDENT BANK TO THE PETITIONER.
- EXHIBIT P3:** PHOTOCOPY OF THE NOTICE AFFIXED IN FRONT OF THE HOUSE OF THE PETITIONER AND ISSUED BY THE RESPONDENT BANK DATED 17-12-2013.
- EXHIBIT P4:** PHOTOCOPY OF THE NOTICE SENT BY THE ADVOCATE COMMISSIONER TO THE PETITIONER DATED 05-02-2014.
- EXHIBIT P5:** PHOTOCOPY OF THE JUDGMENT DATED 28-02-2014 IN W.P.(C) NO.4986/2014 OF THIS HONOURABLE COURT.
- EXHIBIT P6:** PHOTOCOPY OF THE RECEIPTS ISSUED BY THE RESPONDENT BANK TO THE PETITIONER.
- EXHIBIT P7:** PHOTOCOPY OF THE STATEMENT OF ACCOUNT ISSUED BY THE STATE BANK OF TRANVANCORE TO THE PETITIONER.
- EXHIBIT P8:** PHOTOCOPY OF THE CMP IN M.C.NO. 939/2013 BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM DATED 11-05-2015.
- EXHIBIT P9:** PHOTOCOPY OF THE NOTICE ISSUED BY THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

Msd

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.17143 of 2015

Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner availed a cash credit facility of ₹18,50,000/- from the respondent Bank and defaulted in repayment. He has approached this Court earlier in W.P.(C).No.4986/2014. At that time, the liability was around ₹21,26,200/-. By judgment dated 25.02.2014, this Court directed the petitioner to wipe off the entire liability in six equal monthly installments. It appears that the petitioner has paid more than ₹11,00,000/-. However, the petitioner could not honour the entire directions in the above referred judgment. The Bank is now proceeding with 'SARFAESI' proceedings. The same is under challenge in this writ petition.

2. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the Bank.

3. The petitioner has already availed installment facility by invoking the jurisdiction of this Court. Therefore, in the present writ petition, the same relief cannot be granted to the petitioner, which will amount to interference with the earlier directions of this Court.

4. In that view of the matter the petitioner's proper remedy is to move an appropriate petition before the appropriate Court which granted the installment facility to the petitioner. To work out the

above relief, all coercive proceedings against the petitioner shall be deferred for a period of one month from today.

This writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV