

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19474 of 2015 (H)

PETITIONER :

**ALI SIDEEQUE P.,
S/O.ENUDHEENKUTTY, PALLIYALI HOUSE,
ARIYALLUR P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT :

**MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
REP. BY ITS GENERAL MANAGER (AUTHORIZED OFFICER),
FIROZKHAN P.M., S/O.MUHAMMED SHEREEF,AGED 36 YEARS,
MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, UP HILL, MALAPPURAM-676 505.**

BY SRI.ESM.KABEER,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 19474 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIE-P1: THE TRUE COPY OF THE PETITION FILED BEFORE THE HON'BLE
CHIEF JUDICIAL MAGISTRATE COURT, MANJERI AS
C.M.P.NO2237/2014.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.19474 of 2015

Dated this the 29th day of June, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings, has approached this Court. It is admitted that the petitioner has approached this Court in an earlier occasion and obtained an instalment facility to discharge the liability. However, the petitioner has not honoured the condition. Accordingly, the Bank has initiated SARFEASI proceedings.

2. I am of the view that this Court cannot interfere in the instant matter as the petitioner has already approached this Court and obtained an order. If the petitioner wants to seek any modification of the said order, the petitioner is at liberty to approach this Court in terms of the judgment in W.P.(C) No.17012/2014.

With that liberty, this writ petition is disposed of. However, coercive steps against the petitioner shall be deferred for a period of one month.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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