IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 21365 of 2015 (U)

PETITIONER(S):

1. **NOOR TIMBERS,**
   EP/5/400C, EDAVANNA POST,
   MALAPPURAM-676 541,
   REPRESENTED BY ITS MANAGING PARTNER A.SAIFUDEEN.

2. **A.SAIFUDEEN, AGED 42 YEARS,**
   S/O.MOHAMMED, AMAL HOUSE, EDAVANNA POST,
   MALAPPURAM-676 541.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE

RESPONDENT(S):

1. **INDIAN OVERSEAS BANK,**
   KOZHIKKODE BRANCH, CHEROOTY ROAD,
   KOZHIKODE-673 001, REPRESENTED BY ITS MANAGER.

2. **AUTHORISED OFFICER,**
   UNDER THE SARFAESI ACT & CHIEF MANAGER,
   INDIAN OVERSEAS BANK, KOZHIKODE BRANCH,
   CHEROOTY ROAD, KOZHIKODE-673 001.

BY ADV. SRI.SUNIL SHANKAR, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 21365 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : TRUE COPY OF THE STATEMENT OF ACCOUNTS RELATING TO THE CASH CREDIT FACILITY OF PETITIONER NO.1.

EXT. P2 : TRUE COPY OF THE STATEMENT OF ACCOUNTS RELATING TO SSI TERM LOAN OF PETITIONER NO.1.

EXT. P3 : TRUE COPY OF THE STATEMENT OF ACCOUNTS RELATING TO HOME LOAN OF PETITIONER NO.2.

EXT. P4 : TRUE COPY OF THE STATEMENT OF ACCOUNTS RELATING TO URBAN HORTICULTURE LOAN OF PETITIONER NO.2.

EXT. P5 : TRUE COPY OF THE STATEMENT OF ACCOUNTS RELATING TO THE LOAN AVAILED OF BY THE WIFE OF PETITIONER NO.2.

EXT. P6 : TRUE COPY OF THE NOTICE DT.25-11-2014.

EXT. P7 : TRUE COPY OF THE NOTICE DT.29-4-2015.

EXT. P8 : TRUE COPY OF THE REPLY NOTICE DT.30-4-2015.

EXT. P9 : TRUE COPY OF THE JUDGMENT DT.8-5-2015 IN WPC 13897/2015.

EXT. P10 : TRUE COPY OF THE NOTICE UNDER RULE 8(1) AND (2)OF THE SECURITY INTEREST (ENFORCEMENT) RULES, 2002 PUBLISHED ON 6-5-2015.

EXT. P11 : TRUE COPY OF THE LETTER DTD.1-7-2015 ISSUED BY THE PETITIONER.

EXT. P12 : TRUE COPY OF THE LETTER DTD.4-7-2015 ISSUED BY R1.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 21365 of 2015

Dated this the 23rd day of July, 2015

JUDGMENT

The petitioners have approached this Court challenging SARFAESI proceedings.

2. In fact, the petitioners approached this Court in W.P.(C).No. 13897/2015 challenging the very same SARFAESI proceedings. This Court on 08.05.2015 disposed of the above writ petition, which is produced as Ext. P9. This Court granted two months time to the petitioners to settle the entire liability. The time was given based on the submission made by the petitioners that they have arranged another Bank for taking over of the liability. It appears that nothing has been materialised thereon. Therefore, the petitioners seek regularisation of the loan account by clearing the overdue amount.

3. The learned counsel for the Bank opposes the prayer of the petitioners.

4. This Court is of view that in view of the above judgment, this Court cannot interfere with this matter.

Accordingly, this writ petition is dismissed.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr