

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C) .No. 21605 of 2015 (A)

PETITIONER(S) :

K.D.MATHEW, AGED 50 YEARS, S/O.DEVASSIA, KOTTARATHIL HOUSE,
ST.JUDE NAGAR, KILIYANTHARA P.O., VALLITHODE
KANNUR DISTRICT-670 706.

BY ADVS.SRI.C.KHALID

SRI.N.A.JOSEPH
SRI.K.P.MOHAMED SHAFI
SMT.K.S.HASEENA
SRI.PHIJO PRADEESH PHILIP
SMT.K.REEHA KHADER

RESPONDENT(S) :

1. THE CHIEF MANAGER/AUTHORISED OFFICER,
THE FEDERAL BANK LTD.,
LOGEN'S ROAD, THALASSERY-670 101.

2. THE GENERAL MANAGER, FEDERAL BANK LIMITED,
REGISTERED OFFICE AT ALUVA
ERNAKULAM DISTRICT-683 101.

R1 BY ADV. SRI.MOHAN JACOB GEORGE
R1 BY ADV. SMT.P.V.PARVATHI
R1 BY ADV. SMT.REENA THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21605 of 2015 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: THE COPY OF THE JUDGMENT IN WP(C) NO.26807/2014 OF THE
HON'BLE HIGH COURT DATED 07/11/2014.

EXT.P2: THE COPY OF THE JUDGMENT IN R.P. NO.26/2015 DATED 24/02/2015
OF HON'BLE HIGH COURT.

EXT.P3: THE COPY OF THE PETITION SUBMITTED BY THE PETITIONER DATED ON
24/02/2015 OF HON'BLE HIGH COURT.

EXT.P4:THE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER ON
06/07/2015.

EXT.P5: THE COPY OF THE LOAN PAYMNET RECEIPTS DATED ON 14/07/2015.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

vgs

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 21605 of 2015

Dated this the 17th day of September, 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts. Ext.P4 is the notice issued by the Advocate Commissioner under the SARFAESI Act. When the matter came up for orders today, it is seen that the petitioner had already approached this Court praying for an identical relief, on an earlier occasion and this Court by Ext.P1 judgment in WP(C) 26807 of 2014, had afforded the petitioner a facility of effecting repayment in installments. Thereafter, the petitioner did not comply with the directions in the said judgment, but sought a review of the said judgment by filing a review petition. This Court, by Ext.P2 order in the review petition, granted the petitioner a further opportunity of clearing the outstanding liability in five equal and monthly installments. It is the admitted case that the petitioner has not complied with the said directions. Under the said circumstances, I am of the view that the petitioner is not

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entitled to any discretionary relief from this Court in the present writ petition. Resultantly, the writ petition fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das