

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 22068 of 2015 (G)

PETITIONER :

**RAJENDRAN M.P.,
MUKKALUVILA PUTHEN VEEDU,
PARAKODU P.O, ADOOR,
PATHANAMTHITTA- 691 554.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENTS :

- 1. ICICI BANK, BRANCH AT ABAN ARCADE,
PATHANAMTHITTA,
REPRESENTED BY ITS AUTHORIZED OFFICER-691 554.**
- 2. THE AUTHORIZED OFFICER,
ICICI BANK LTD., 2ND FLOOR, ADONAI TOWERS,
S.A.ROAD, KADAVANTHARA, COCHIN- 682 016.**

BY SRI.LAL K.JOSEPH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 22068 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE ORDER DATED 21.11.2013 IN IA.3311 OF 2013 IN
S.A.769/2013 OF DEBT RECOVERY TRIBUNAL.**
- P2- TRUE COPY OF THE JUDGMENT DATED 2.12.2014 IN WP(C).NO.32088 OF 2014.**
- P3- TRUE COPY OF THE PAYMENT RECEIPT DATED 27.12.2014**
- P4- TRUE COPY OF THE NOTICE DATED 18.6.15 ISSUED BY THE ADVOCATE
COMMISSIONER.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22068 of 2015

Dated this the 22nd day of July, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings, has approached this Court. The petitioner availed a housing loan from the respondent Bank. The petitioner approached the Debts Recovery Tribunal, Ernakulam by filing S.A.No.769/2013. The Tribunal has passed an order on 21.11.2013 in the interlocutory application. The petitioner did not comply with the directions in the order of the Debts Recovery Tribunal. Thereupon, the petitioner approached this Court by filing W.P.(C) No.32088/2014. This Court permitted the petitioner to clear the entire amount in eight monthly instalments. The petitioner also failed to honour with the above conditions. The petitioner now submits that he may be given three months time to discharge the entire liability.

2. Learned counsel for the Bank opposes the prayer of the petitioner.

The petitioner having availed the facility to discharge the liability in terms of the judgment and failed to comply with the

directions therein, cannot seek indulgence of this Court for granting time to settle the liability. Therefore, the writ petition is dismissed. However, this judgment will not stand in the way of the Bank in considering the request of the petitioner for granting time. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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