

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. 22196 of 2015 (Y)

PETITIONER:

**RAMAKRISHNAN ACHARY,
PULIVILAYIL VEEDU, KANNIMEL THERY, PATTZAH P.O.
KOLLAM DISTRICT.**

BY ADV. SRI.M.TRIPTEN

RESPONDENT(S)/RESPONDENTS:

- 1. BHADRAN N.A.
PARTNER, M/S. ASIAN SPICES, SALMA MANZIL,
KARICHARA, PALLIPPURAM P.O.
THIRUVANANTHAPURAM-695301.**
- 2. SUSHAMA BHADRAN,
PARTNER, M/S. ASIAN SPICES, SALMA MANZIL,
KARICHARA, PALLIPPURAM P.O.
THIRUVANANTHAPURAM-695301.**
- 3. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE, KAZHAKOOTTAM BRANCH,
KAZHAKOOTTAQM, THIRUVANANTHAPURAM-695301.**
- 4. THE AUTHORIZED OFFICER/CHIEF MANAGER
STATE BANK OF TRAVANCORE, THIRUVANANTHAPURAM-695301.**

R3-R4 BY SRI.JAWAHAR JOSE, STATE BANK OF TRAVANCORE.

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

WP(C).No. 22196 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE PHOTOCOPY OF THE NOTICE DATED 16-8-2014 ISSUED BY THE
RESPONDENT BANK.**

**EXHIBIT P2- TRUE PHOTOCOPY OF THE SANCTION LETTER ISSUED BY THE
RESPONDENT BANK DATED 21-12-2012.**

**EXHIBIT P3- TRUE PHOTOCOPY OF THE NOTICE DATED 10-7-2015 ISSUED BY THE
ADVOCATE COMMISSIONER TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL.

/TRUE COPY/

P.S.TO JUDGE

vmr.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22196 of 2015

Dated this the 23rd day of July, 2015

J U D G M E N T

The petitioner claims to be the guarantor of a loan availed by 1st and 2nd respondents. The petitioner appears to be the brother of the 2nd respondent. The petitioner challenges 'SARFAESI' proceedings in this writ petition.

2. It is to be noted that, S.A.No.160/2015 has been filed by the 2nd respondent before the Debts Recovery Tribunal. The Tribunal ordered to deposit ₹25 lakhs on or before 10.05.2015. The same was not deposited. Thereafter, another writ petition W.P.(C). No.1555/2015 was filed by the 1st respondent along with the petitioner. This was disposed of by this Court on 15.01.2015 directing to remit the amount in installments. It appears that, the said direction also was not complied with. In the meanwhile, 3rd respondent approached this Court by filing O.P.(DRT)No.75/2015 challenging the 'SARFAESI' proceedings. This Court directed the petitioner therein to approach the DRT and deferred the securitisation proceedings for ten days to work out remedy.

3. This writ petition is now filed by the petitioner threatened with dispossession. The petitioner submits that, he is prepared to clear the entire amount, if sufficient time is given. It appears that, any interference by this Court at this juncture would be a dismal of

legal action initiated by the Bank.

Resultantly, this writ petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV