

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

WP(C).No. 22287 of 2015 (I)

PETITIONER:

**MANI GEORGE, AGED 44 YEARS,
S/O.GEORGE, RESIDING AT T.C.NO.11/2001,
KANAKA NAGAR, NANTHANCODU,
KAWADIAR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.RAJAGOPAL PADIPPURACKAL

RESPONDENT(S):

- 1. CENTRAL BANK OF INDIA,
REPRESENTED BY ITS AUTHORIZED OFFICER,
THYVILA ROAD, THAMPANOR,
THIRUVANANTHAPURAM, PIN - 695016.**
- 2. DILEEP KUMAR, S/O.LATE S.P.DENNIS,
GEOLIL, T.C.4/1521, AREA-24, CLIFF HOUSE,
KAWADIAR, THIRUVANANTHAPURAM, PIN - 695 003.**
- 3. SHIBU THOMAS, S/O.THOMAS, HOUSE NO.13/332,
MAMMOTTIL THEKKETHODU, THANNITHODE POST,
KONNI, PATHANAMTHITTA, PIN - 689696.**
- 4. SUBHA GEORGE, W/O.GEORGE VARKEY, T.C.12/1120-1,
THEKKUMOODU, KUNNUKUZHY POST,
THIRUVANANTHAPURAM, NOW RESIDING AT
PTC VILLA NO.2, NEAR GOVERNMENT PRESS,
MANNANTHALA, THIRUVANANTHAPURAM, PIN - 695016.**
- 5. VALSALA ANILKUMAR, W/O.ANILKUMAR, T.C.11/2159,
KANAKA NAGAR, NANTHANCODU, KAWADIAR POST,
THIRUVANANTHAPURAM, PIN - 695015.**
- 6. JULIE M.GEORGE, D/O.ABRAHAM MATHAI,
MAMMOOTTIL HOUSE, KONNI KARA,
THANNITHODE VILLAGE,
PATHANAMTHITTA DIST., PIN - 689696.**

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7. LEELA MADHAVAN, W/O.LATE MADHAVAN,
MELEPUTHEN VEEDU, MUKKUNNIYOOR,
PALLICHAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM, PIN - 695 020.
8. SIVENDRAN, S/O.LATE MADHAVAN,
MELEPUTHEN VEEDU, MUKKUNNIYOOR,
PALLICHAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM, PIN - 695020.
9. SEHEENDRA, D/O.LATE MADHAVAN,
MELEPUTHEN VEEDU, MUKKUNNIYOOR,
PALLICHAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM, PIN - 695020.

*ADDL. R10 IMPEADED

10. THE RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL (KERALA AND LAKSHADWEEP)
8TH FLOOR K.S.H.B. BUILDING, PANAMPILLY NAGAR,
ERNAKULAM - 682 036.

ADDL.R10 IS IMPEADED AS PER ORDER
DATED 31.07.2015 IN IA 11129/15.

R1 BYSRI.DEVAN RAMACHANDRAN, SC
ADVS.SRI.K.M.ANEESH
SRI.ADARSH KUMAR
SRI.BIJU VARGHESE ABRAHAM
SRI.DILEEP CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT-P1: TRUE COPY OF THE AGREEMENT DATED 16.11.2009 EXECUTED BETWEEN THE PETITIONER AND THE 2ND RESPONDENT.
- EXHIBIT-P2: TRUE COPY OF THE SALE DEED NO.2600/2007 OF PEERUMEDU SRO.
- EXHIBIT-P3: TRUE COPY OF THE AGREEMENT DATED 11.11.2009 EXECUTED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.
- EXHIBIT-P4: TRUE COPY OF THE SALE DEED NO.2597/2007 OF PEERUMEDU SRO.
- EXHIBIT-P5: THE TRUE COPY OF THE AGREEMENT DATED 16.11.2009 EXECUTED BETWEEN THE PETITIONER AND THE 4TH RESPONDENT.
- EXHIBIT-P6: THE COPY OF THE SALE DEED NO.2599/2007 OF PEERUMEDU SRO.
- EXHIBIT-P7: THE COPY OF THE SALE DEED NO.2598/2007 OF PEERUMEDU SRO.
- EXHIBIT-P8: THE COPY OF THE POWER OF ATTORNEY DATED 07.06.2012 EXECUTED BY THE 5TH RESPONDENT.
- EXHIBIT-P9: THE COPY OF THE SALE DEED NO.2601/2007 OF PEERUMEDU SRO.
- EXHIBIT-P10: THE COPY OF THE POWER OF ATTORNEY DATED 07.06.2012 EXECUTED BY THE 6TH RESPONDENT.
- EXHIBIT-P11: THE COPY OF THE PLAINT IN OS NO.138/2011 ON THE FILE OF HON'BLE MUNSIF COURT PEERUMEDU.
- EXHIBIT-P12: THE COPY OF THE PLAINT IN OS NO.153/2011 ON THE FILE OF HON'BLE MUNSIF COURT PEERUMEDU.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.22287 of 2015
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Dated this the 21st day of October, 2015

J U D G M E N T

It is stated by counsel for the respondent bank that the petitioner has not complied with the condition in the interim order dated 17.08.2015, of remitting Rs.50 lakhs on or before 31.08.2015 and a further sum of Rs.50 lakhs on or before 20.09.2015. Taking note of the said submission, I am of the view that, the petitioner is not entitled to the discretionary relief of this Court under Article 226 of the Constitution of India, in the present writ petition.

Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns/26.10.15

