

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 22333 of 2015 (N)

PETITIONER(S):

**M.UMMUSALMA, W/O.MOIDEEN, AGED 52 YEARS,
M/S.NEENU FOOD PRODUCTS, MUNDAMANGALATH HOUSE,
THAMBURATTIKALLU, MUNDERI P.O., NILAMBUR,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH**

RESPONDENT(S):

- 1. THE STATE BANK OF INDIA,
FRANCIS ROAD, CALICUT,
REPRESENTED BY ITS CHIEF MANAGER,
REGIONAL BUSINESS OFFICE 2, SOUTHERN TRADE TOWER,
2ND FLOOR, PUSHPA JUNCTION, KOZHIKKODE,
PIN-673 002.**
- 2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, MALAPPURAM, PIN-676 505.**

**R1 BY ADVS. SRI.TOM K.THOMAS
SRI.R.S.KALKURA, SC, SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 22333 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE CERTIFICATE ISSUED BY THE GOVERNMENT OF KERALA,
DEPARTMENT OF INDUSTRIES AND COMMERCE DT. 12.5.2008.

P2 - TRUE COPY OF THE DISCHARGE SUMMERY OF THE PETITIONER'S HUSBAND
ISSUED FROM E.M.S. MEMORIAL CO-OPERATIVE HOSPITAL & RESEARCH
CENTRE, PERINTHALMANNA DATED 30.7.2010.

P3 - TRUE COPY OF THE PETITION FILED BY THE RESPONDENT BANK AS CMP
NO.3125/2014 FILED BY THE RESPONDENT BANK BEFORE THE CJM , MANJERI.

P4 - TRUE COPY OF THE JUDGMENT IN WPC.NO.7389/2015 DATED 12.3.2015 OF THIS
HON'BLE COURT.

P5 - TRUE COPY OF THE DISCHARGE SUMMERY ISSUED TO THE PETITIONER FROM
THE GOVERNMENT MEDICAL COLLEGE HOSPITAL, MANJERI, MALAPPURAM
DATED 30.3.2015.

P6 - TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER
DTD.2.7.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.22333 of 2015

.....
Dated this the 1st day of December, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondents, is aggrieved by the steps taken by the respondents under the SARFAESI Act for recovery of the defaulted loan amounts. When the matter was taken up for orders today, it was noticed that, the petitioner had earlier approached this Court when faced with similar recovery proceedings through W.P.(C).No.7389 of 2015 and this Court had by Ext.P4 judgment permitted the petitioner to remit the defaulted loan amounts by paying Rs.7,50,000/- on or before 30.03.2015 and remitting the balance amounts together with accrued interest in six equal and successive monthly instalments commencing from 20.04.2015. The petitioner was also required to keep up the regular instalment payments as per the original loan schedule. It is not in dispute that the petitioner did not comply with the directions in Ext.P4 judgment of this Court. Taking note of the said fact, I am of the view that, the petitioner cannot aspire for any discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India. Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

