

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 22575 of 2015 (V)

PETITIONER(S) :

**JOHN K.THOMAS, AGED 44 YEARS,
BUSINESS, S/O.THOMAS RESIDING AT KUNNAPPALLIL HOUSE,
KUZHIMATTOM P.O., KOTTAYAM DISTRICT, PIN - 686 533.**

**BY ADVS.SRI.JACOB CHACKO
SRI.C.A.JOJO**

RESPONDENT(S) :

**AUTHORIZED OFFICER/CHIEF MANAGER,
SYNDICATE BANK, REGIONAL OFFICE, 1ST FLOOR,
PIONEER TOWERS, SHANMUGHAM ROAD, ERNAKULAM -682 031.**

BY ADV. SRI.R.S. KALKURA, S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 22575 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1: TRUE COPY OF C.M.P NO.733/2014 OF CHIEF JUDICIAL
MAGISTRATE COURT, KOTTAYAM.**

**EXT.P2: A TRUE COPY OF THE NOTICE ISSUED BY ADVOCATE
COMMISSIONER IN C.M.P NO.733/2014 OF CHIEF JUDICIAL
MAGISTRATE COURT, KOTTAYAM.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22575 of 2015

Dated this the 29th day of July, 2015

JUDGMENT

The petitioner has approached this Court challenging dispossession based on SARFAESI proceedings.

2. It is to be noted that on an earlier occasion, the petitioner filed W.P.(C) No.16491/2015. The petitioner also moved the Debts Recovery Tribunal in Securitisation Application. This Court in W.P.(C) No.16491/2015 dated 3.6.2015, directed the petitioner to avail One Time Settlement Scheme on remitting 25% of the outstanding amount. It appears that the petitioner has not remitted 25% of the amount and he has offered the Bank a lesser amount than the amount ordered. Consequent upon the fact that the One Time Settlement Scheme did not materialise, the Bank initiated SARFAESI proceedings.

2. Learned counsel for the petitioner submits that the petitioner is prepared to settle the entire liability if the Bank is prepared to give sufficient time to discharge the entire liability.

3. Learned counsel for the Bank opposed the prayer of the petitioner. It is submitted that apart from the writ petition as above, the petitioner filed W.P.(C) No.24765/2013 and O.P.(DRT) No.48/2015. All these are related to coercive steps taken by the Bank based on the SARFAESI proceedings.

This Court would not be justified in interfering with the matter as the petitioner has already availed sufficient opportunity from this Court. Accordingly, this writ petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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