

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 23490 of 2015 (I)

PETITIONER(S):

1. JAYACHANDRAN,
T.C. 2/3034, SWATHI, PANACHAMOODU LANE,
PATTOM P.O., THIRUVANANTHAPURAM - 695 004.
2. SARASWATHI DEVI,
T.C. 2/3034, SWATHI, PANACHAMOODU LANE,
PATTOM P.O., THIRUVANANTHAPURAM - 695 004.
3. REMANAN C.,
IDUKKUMOODU, PUTHEN VEEDU, THERANY,
ANAVOOR P.O., NEYYATTINKARA, THIRUVANANTHAPURAM.

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

RESPONDENT(S):

1. THE PUNJAB NATIONAL BANK,
REPRESENTED BY ITS CHIEF MANAGER, HANTEX BUILDING
RAILWAY STATION ROAD, THIRUVANANTHAPURAM - 695 001.
2. THE AUTHORIZED OFFICER,
PUNJAB NATIONAL BANK, HANTEX BUILDING,
RAILWAY STATION ROAD, THIRUVANANTHAPURAM - 695 001.
3. THE CHIEF MANAGER,
PUNJAB NATIONAL BANK, CIRCLE OFFICE,
RECOVERY DEPARTMENT, IIND FLOOR, 40/161,
MARKET ROAD, ERNAKULAM - 682 011.

BY ADV. SRI.SANTHEEP ANKARATH, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 23490 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE NOTICE UNDER SECTION 13(2) OF THE
SECURITIZATION ACT ISSUED TO THE 1ST PETITIONER ON 29.11.2013.**
- EXT.P-2: TRUE COPY OF THE POSSESSION NOTICE DATED 25.2.2014 WITH
RESPECT TO THE PROPERTY OF THE 2ND PETITIONER.**
- EXT.P-3: TRUE COPY OF THE POSSESSION NOTICE DATED 25.2.2014 WITH
RESPECT TO THE PROPERTY OF THE 3RD PETITIONER.**
- EXT.P-4: TRUE COPY OF THE JUDGEMENT DATED 1.4.2014 IN WPC 9523/2014 OF
THIS HONOURABLE COURT.**
- EXT.P-5: TRUE COPY OF THE SALE NOTICE DATED 23.7.2015 ISSUED BY THE
3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 23490 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

The petitioners challenging SARFAESI proceedings has approached this Court.

2. There are two items of the property have been mortgaged with the respondent-Bank. The petitioner's case is one of the items which would be sufficient for the purpose of discharging the entire liability.

3. The petitioners also had approached this Court earlier occasion in W.P.(C).No.9523/2014 dated 01.04.2014 to obtain instalment facility and the petitioner failed to honour the directions of this Court.

4. The learned counsel for the Bank submits that they made an attempt to sell item No. 1 on 17.11.2014 and they were unsuccessful. Therefore, it is submitted that unless other item of property is sold, they will not able to recover the loan amount.

5. The sale is scheduled on 31.08.2015. The petitioners could have very well brought a purchaser for sale of second item of the property, which according to the

petitioners is sufficient to discharge the liability. The petitioners were free to do so in spite of the challenge being made against SARFAESI proceedings. However, they did not take any steps.

I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr