

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23888 of 2015 (I)

PETITIONER:

**R.SREEKANTAN NAIR, PROPRIETOR,
M/S. GOKULAM ENGINEERING WORKS, KAIMANAM,
THIRUVANANTHAPURAM DISTRICT-695 040,
RESIDING AT GOKULAM, VNRA 38, VISHNU NAGAR,
KAIMANAM, THIRUVANANTHAPURAM DISTRICT-695 040.**

**BY ADVS.SRI.GOPAKUMAR R.THALIYAL
SRI.V.ANIRUDHAN NAIR**

RESPONDENT(S):

- 1. THE BRANCH MANAGER,
BANK OF INDIA, NEERAMANKARA BRANCH,
SREEMOOKAMBIKA COMPLEX, KAIMANAM JUNCTION,
PAPPANAMCODE, THIRUVANANTHAPURAM, PIN-695 018.**
- 2. THE ASSISTANT GENERAL MANAGER
AND AUTHORISED OFFICER, BANK OF INDIA,
PANKAJ TOWERS, SPENCER JUNCTION,
THIRUVANANTHAPURAM, PIN-695 039.**
- 3. R.GOPALAKRISHNAN NAIR,
GOKULAM, VISHNU NAGAR, KAIMANAM,
THIRUVANANTHAPURAM-695 040.**

R1 & R2 BY ADV. SRI.JAWAHAR JOSE, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 23888 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE NOTICE DTD.21.7.2014.
- P2 : TRUE COPY OF THE REPLY DTD.31.7.2014.
- P3 : TRUE COPY OF THE POSSESSION NOTICE DTD.25.9.2014.
- P4 : TRUE COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT IN
WPC NO.32369/2014 DTD.5.2.2015.
- P5 : TRUE COPY OF THE PETITION FILED BY THE PETITIONER IN MC NO.1118/2014
BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM,
DTD.9.7.2015.
- P6 : TRUE COPY OF THE ORDER IN MC NO.1118/2014 PASSED BY THE CHIEF
JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM, DTD.10.7.2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 23888 of 2015

Dated this the 07th day of August, 2015

JUDGMENT

The petitioner has approached this Court challenging SARFAESI proceedings.

2. It is to be noted that the petitioner had earlier approached this Court in W.P.(C). No. 32369/2014. Ext.P4 is the judgment. This Court granted instalment facility to the petitioner to wipe off the entire liability. The petitioner did not honour the conditions. The present prayer of the petitioner is that he may be given three months time to discharge the entire liability. The petitioner has attempted for a private sale.

3. The learned counsel for the Bank opposed the prayer of the petitioner.

4. It would not be proper for this Court to grant any relief in the matter essentially when the petitioner had approached this Court and obtained remedy.

In that view of the matter, declining jurisdiction, the writ petition is dismissed. However, to enable the petitioner, to work out any alternate remedy before the Debts Recovery Tribunal, the SARFAESI proceedings shall be deferred for a period of two weeks.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE