

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C) .No. 24057 of 2015 (F)

PETITIONER(S) :

ARUN A @ ARUN THADATHIL,
AGED 45 YEARS, S/O. ANIRUDHAN T.P.,
THADATHIL HOUSE, MELOODU, PERINGANADU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT - 691 523.

BY ADV. SRI.MANU RAMACHANDRAN

RESPONDENT(S) :

1. THE CHIEF MANAGER AND AUTHORISED OFFICER,
STATE BANK OF TRAVANCORE, ADOOR BRANCH, ADOOR,
PATHANAMTHITTA - 692 523.
2. THE ASSISTANT EGENERAL MANAGER,
STATE BANK OF TRAVANCORE, ADOOR,
MAIN BRANCH, ADOOR, PATHANAMTHITTA - 691 523.
3. ANEESHA,
AGED 38 YEARS, W/O. ARUN A. @ ARUN THADATHI.,
THADATHIL HOUSE, MELOODU, PERINGANADU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT - 691 523.
4. N.YESHODHARA,
AGED 68 YEARS, W/O. ANIRUDHAN T.P., THADATHIL HOUSE,
MELOODU, PERINGANADU VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT - 691 523.

R3 & 4 BY ADV. SMT.B.L.RENJU
BY SRI.R.S.KALKURA, SC, SBT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 - THE TRUE COPY OF THE LETTER DATED 29/04/2015.
- EXT. P2 - THE TRUE COPY OF THE DEMAND NOTICE DATED 26/05/2015 UNDER SECTIONS 13(2) OF THE SARFAESI ACT NUMBERED AS NO.11.
- EXT. P3 - TRUE COPY OF THE DEMAND NOTICE DATED 26/05/2015 UNDER SECTIONS 13 (2) OF THE SARFAESI ACT NUMBERED AS NO.19.
- EXT. P4 - TRUE COPY OF THE DEMAND NOTICES DATED 26/05/2015 AND NUMBERED RESPECTIVELY AS NO(S).12.
- EXT. P5 - TRUE COPY OF THE DEMAND NOTICES DATED 26/05/2015 AND NUMBERED RESPECTIVELY AS NO(S).13.
- EXT. P6 - TRUE COPY OF THE DEMAND NOTICES DATED 26/05/2015 AND NUMBERED RESPECTIVELY AS NO(S).14.
- EXT. P7 - TRUE COPY OF THE DEMAND NOTICES DATED 26/05/2015 AND NUMBERED RESPECTIVELY AS NO(S).15.
- EXT. P8 - TRUE COPY OF THE DEMAND NOTICES DATED 26/05/2015 AND NUMBERED RESPECTIVELY AS NO(S).20.
- EXT. P9 - TRUE COPY OF THE DEMAND NOTICE DATED 26/05/2015 AND NUMBERED RESPECTIVELY AS NO(S).16.
- EXT. P10 - TRUE COPY OF THE DEMAND NOTICE DATED 26/05/2015 AND NUMBERED RESPECTIVELY AS NO(S).17.
- EXT. P11 - TRUE COPY OF THE LETTER DATED 08/07/2015 REJECTING THE APPLICATION FOR GRANTING TIME.
- EXT. P12 - THE STATEMENT OF OVERDRAFT CASH CREDIT ACCOUNT VIDE.67055741039 WHICH SHOWING THE PAYMENT MADE UNTIL 30/06/2015.
- EXT. P13 - TRUE COPY OF THE STATEMENT IN TERM LOAN ACCOUNT NO.67307650206 UNTIL 05/08/2015.
- EXT. P14 - TRUE COPY OF THE STATEMENT IN THE HOUSING LOAN ACCOUNT NO.67178877550 DATED 05/08/2015.
- EXT. P15 - TRUE COPY OF THE REPRESENTATION DATED 27/07/2015 PREFERRED BY THE PETITIONERS TO THE 2ND RESPONDENT.
- EXT. P16(A) - THE POSSESSION NOTICE DATED 04/08/2015.
- EXT. P16(B) - THE POSSESSION NOTICE DATED 04/08/2015.

EXT. P16 (C) - THE POSSESSION NOTICE DATED 04/08/2015.

EXT. P16 (D) - THE POSSESSION NOTICE DATED 04/08/2015.

EXT. P16 (E) - THE POSSESSION NOTICE DATED 04/08/2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

RVS.

P.A.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.24057 of 2015
.....
Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner who had availed of a loan from the respondent bank, defaulted in payment of the same. The respondent bank therefore initiated proceedings under the SARFAESI Act. The writ petition was filed by the petitioner challenging the said proceedings initiated by the respondent bank. When the matter came up for orders on 03.09.2015, this Court had extended the interim order already granted on 07.08.2015, on condition that, the petitioner pays an amount of Rs.35 lakhs to the respondent bank on or before 25.09.2015. It is submitted by counsel for the petitioner that the interim order passed on 03.09.2015 could not be complied with by the petitioner. Under the said circumstances, 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

mns

