

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 25024 of 2014 (C)

PETITIONER(S):

**RAVISHANKAR, S/O.A.V. MENON,
AGED 42 YEARS, 'DEVI KRIPA', M.L.A. ROAD,
NENMARA, CHITTUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.K.MOHANAN (PALAKKAD).

RESPONDENT(S):

**1. MANAGER, ORIENTAL BANK OF COMMERCE,
1ST FLOOR, MANGALAM TOWER, T.B. ROAD,
PALAKKAD - 678 014.**

**2. RECOVERY OFFICER,
ORIENTAL BANK OF COMMERCE,
T.B. ROAD, PALAKKAD - 678 014.**

BY ADV. SRI.SAJI P.JOSEPH, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P-1: A TRUE COPY OF THE NOTICE DATED 03.01.2013 ISSUED BY THE AUTHORISED OFFICER, ORIENTAL BANK OF COMMERCE, T.B.ROAD, PALAKKAD.
- EXT.P-2: A TRUE COPY OF THE LETTER DATED 02.07.2014 ISSUED BY THE BRANCH MANAGER, ORIENTAL BANK OF COMMERCE, T.B.ROAD, PALAKKAD - 14 TO THE PETITIONER.
- EXT.P-3: A TRUE COPY OF THE NOTICE DATED 01.09.2014 ISSUED TO THE PETITIONER BY THE ADVOCATE COMMISSIONER SMT.K.VIJAYA, APPOINTED BY CHIEF JUDICIAL MAGISTRATE, PALAKKAD IN CMP NO.3349/14 ON ITS FILE.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.25024 of 2014 (C)

.....
Dated this the 24th day of February, 2015

JUDGMENT

The petitioner had approached this Court aggrieved by the recovery proceedings initiated by the respondent Bank under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002. The prayer of the petitioner in the writ petition was essentially for a grant of installment facility so as to discharge the liability to the Bank.

2. When the matter came up for admission on 26.05.2014, this Court had by an interim order permitted the petitioner to deposit a sum of Rs.2,00,000/- within ten days as a condition for the stay of further proceedings pursuant to Ext.P3.
3. When the matter was called up today, it is submitted by the learned counsel for the respondent Bank that, the petitioner has not complied with the requirement of depositing Rs.2,00,000/- as directed in the interim order. It is submitted that the petitioner had made only a payment of Rs.1,00,000/-.

Taking note of the said submissions, and the fact that the petitioner did not comply with the interim direction granted by this Court, I am of the view that the petitioner is not entitled to the discretionary relief envisaged in proceedings under Article 226 of the Constitution of India. Accordingly, the writ petition is dismissed as not maintainable.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/24/02/