

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 25604 of 2015 (A)

PETITIONER:

VISWAMBHARAN, VISHNUVILASOM,
SEEMAVILA, KODUVAZHANNOR P.O.,
KILIMANOR, THIRUVANANTHAPURAM.

BY ADV. SRI.BASANT BALAJI

RESPONDENTS:

1. CANARA BANK, REPRESENTED BY
ITS CHIEF MANAGER, SASTHAMANGALAM,
THIRUVANANTHAPURAM - 695 593.
2. THE BRANCH MANAGER,
CANARA BANK, KILIMANOR BRANCH,
THIRUVANANTHAPURAM - 695 601.
3. FAZILUDEEN, S/O. KASIMKUNJU,
FAZIL MANZIL, NP XI/142,
NEGAROOR, ALTHARAMOODU P.O.,
THIRUVANANTHAPURAM 695 126.

BY SRI.PAULY MATHEW MURICKEN,SC,CANARA BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE LOAN SANCTION LETTER DATED 08/08/2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P2 - TRUE COPY OF THE NOTICE DATED 17/07/2014 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.
- EXHIBIT P3 - TRUE COPY OF THE LETTER SENT BY THE ADVOCATE OF THE PETITIONER DATED 16/06/2014.
- EXHIBIT P4 - TRUE COPY OF THE POSSESSION NOTICE DATED 27/10/2014
- EXHIBIT P5 - TRUE COPY OF THE NOTICE U/S 13 (4) OF SARFAESI ACT DATED 02/03/2015 SENT BY THE RESPONDENT.
- EXHIBIT P6 - TRUE COPY OF THE E-AUCTION NOTICE DATED 02/03/2015.
- EXHIBIT P7 - TRUE COPY OF THE FINAL ORDER OF DRT DATED 10/04/2015 IN S.A 445/2014.
- EXHIBIT P8 - TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER ON 25/05/2015 TO THE 1ST RESPONDENT.
- EXHIBIT P9 - TRUE COPY OF THE OTS SANCTION ORDER DATED 05/06/2015.
- EXHIBIT P10 - TRUE COPY OF THE AGREEMENT FOR SALE DATED 17/08/2015 EXECUTED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.
- EXHIBIT P11 - TRUE COPY OF THE E-AUCTION NOTICE DATED 30.09.2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

ncd

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.25604 of 2015

.....
Dated this the 3rd day of December, 2015

J U D G M E N T

The petitioner, who had availed of a cash credit facility from the respondent bank, defaulted in repayment of the same. The Bank, therefore, initiated proceedings under the SARFAESI Act. When the matter came up for orders on 20.10.2015, this Court had granted an interim stay of further proceedings pursuant to Ext.P11 sale notice in respect of an item of property, on condition that, the petitioner paid an amount of Rs.35,00,000/- on or before 30.11.2015. When the matter was called up today, it is submitted by counsel for the respondent bank that, the petitioner has not complied with the direction to pay Rs.35,00,000/- on or before 30.11.2015. Taking note of the said submission of counsel for the respondent bank, I am of the view that the petitioner is not entitled to any discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India, in the present writ petition.

Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

