

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).NO. 25672 OF 2015 (H)

PETITIONER(S) :

ASHOKAN AGED 57 YEARS
S/O.NADESAN, SREE CHAKRAM (SOUPARNIKA)
VALIYAMCODE P.O., MARANALLOOR VILLAGE
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM.

BY ADVS.SRI.G.SUDHEER
SMT.N.P.ASHA

RESPONDENT(S) :

THE AUTHORIZED OFFICER/ MANAGER
GIC HOUSING FINANCE LTD., 1ST FLOOR, PTC TOWER
S.S.KOVIL ROAD, THAMPANOR, THIRUVANANTHAPURAM-695001

BY SRI.T.R.RAJAN,SC.,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 25672 OF 2015 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: TRUE COPY OF THE JUDGEMENT DATED 18.3.2015 IN WPC
NO.6054/2015 OF THIS HONOURABLE COURT.

EXT.P-2: TRUE COPY OF THE MEDICAL TREATMENT RECORDS ISSUED BY THE
MEDICAL OFFICER, SOCIAL HEALTH CENTER

EXT.P-3: TRUE COPY OF THE CASH RECEIPT ISSUED BY THE RESPONDENT TO
THE PETITIONER'S DAUGHTER

EXT.P-4: TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT TO THE
PETITIONER'S DAUGHTER DATED 20.4.2015

EXT.P-4 (A): TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT TO THE
PETITIONER'S DAUGHTER DATED 6.8.2015

EXT.P-5: TRUE COPY OF THE NOTICE ISSUED BY THE SHERISTADAR CHIEF
JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM 10.8.2015

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.25672 OF 2015

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

J U D G M E N T

The petitioner, whose daughter had taken a housing loan from the respondent bank and defaulted in repayment of the same, is aggrieved by the steps taken by the respondent bank for recovery of the amounts under the SARFAESI Act. I note in this connection that, the petitioner's daughter, who is the borrower, had already approached this Court through W.P.(C).No.6054 of 2015 and by Ext.P1 judgment, this Court had extended the benefit of repayment in instalments as a condition for stay of recovery proceedings against her. It is stated that, the petitioner's daughter did not comply with the directions in Ext.P1 judgment. I, therefore, see no reason to entertain this writ petition filed by the father, since I do not find the petitioner as entitled for the benefit of a discretionary relief 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/

