

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 26024 of 2015 (C)

PETITIONER(S) :

JAYARAM P AGED 44 YEARS
S/O.PALANI, 'PRASANTHI', PATHIRAPPALLY P.O.
ALAPPUZHA DISTRICT - 688 521.

BY ADVS.SMT.GISA SUSAN THOMAS
SMT.G.ASHWINI

RESPONDENT(S) :

1. KERALA STATE CO-OPERATIVE BANK LTD
ALAPPUZHA BRANCH, REP. BY ITS MANAGER - 686 001.

2. THE AUTHORISED OFFICER
KERALA STATE CO-OPERATIVE BANK LTD., REGIONAL OFFICE
ANANDHI BUILDING, PULLEPADY JUNCTION, CHITTOOR ROAD
ERNAKULAM, KOCHI - 682 035.

BY SRI.GEORGE POONTHOTTAM, SC, KERALA STATE CO.OP BAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 26024 of 2015 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: THE COPY OF THE ORDER PASSED BY THE HON'BLE COURT IN WPC
NO.5335/2015

EXT.P-2: THE COPY OF THE RECEIPT DATED 6.3.2015

EXT.P-3: THE TRUE COPY OF THE LETTER DATED 20.7.2015

EXT.P-4: THE COPY OF THE AUCTION SALE NOTICE DATED 4.8.2015 ISSUED
BY THE 2ND RESPONDENT

EXT.P-5: THE TRUE COPY OF THE NOTICE PUBLISHED IN THE HINDU DAILY
DATED 20.7.2015

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.26024 of 2015

.....
Dated this the 2nd day of September, 2015

J U D G M E N T

The petitioner, who had availed of financial assistance from the 1st respondent bank, defaulted in repayment of the same. Consequently the 1st respondent bank initiated proceedings against the petitioner under the SARFAESI Act. The petitioner therefore approached this Court through W.P.(C).No.5335 of 2015, which was disposed by Ext.P1 judgment whereby the petitioner was afforded an opportunity of discharging the then overdue amount of Rs.3,67,576/- together with accrued interest, in three equal and successive monthly instalments commencing from 06.03.2015 and to continue to keep up the regular instalments as per the original loan schedule as a condition for keeping recovery steps initiated against the petitioner in abeyance. It is submitted by counsel for the petitioner that, the directions in Ext.P1 judgment were not fully complied with by the petitioner. Taking note of the said submission, I am of the view that, the present writ petition which seeks identical reliefs as already sought for in the earlier writ petition that was disposed by Ext.P1 judgment, cannot be maintained at the instance of the petitioner. The petitioner is not entitled to the discretionary relief of this Court 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

mns