

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 26241 of 2015 (E)

PETITIONER:

**BHADRAN.N.A.,
MANAGING PARTNER, M/S.ASIAN SPICES, SALMA MANZIL,
KARICHARA, PALLIPPURAM.P.O, THIRUVANANTHAPURAM.**

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

- 1. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE, KAZHAKOOTTAM BRANCH,
KAZHAMKOOTTAM, THIRUVANANTHAPURAM-695 582.**
- 2. THE AUTHORISED OFFICER/CHIEF MANAGER,
STATE BANK OF TRAVANCORE,
THIRUVANANTHAPURAM-695 001.**

**R1 & R2 BY SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 A TRUE COPY OF THE NOTICE DATED 12.08.2015 ISSUED BY THE ADVOCATE COMMISSIONER IN THE PROCEEDINGS MC 242 OF 2015 BEFORE THE HON'BLE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANNATHAPURAM
- P2 A TRUE COPY OF THE RELEVANT PORTION OF THE WRIT PETITION, WP(C) 1555 OF 2015 DATED 15.01.2015 BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM
- P3 A TRUE COPY OF THE NOTICE DATED 16/08/2014 UNDER SECTION 13(A) OF THE SARFAEST ACT
- P4 A TRUE COPY OF THE JUDGMENT DATED 15/01/2015 IN WP(C).NO.1555 OF 2015 BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM
- P5 A TRUE COPY OF THE JUDGMENT DATED 29/01/2015 IN WA.NO.175 OF 2015.
- P6 A TRUE COPY OF THE RELEVANT PORTION OF THE ORIGINAL PETITION, P.O.(DRT)NO.75/2015 DATED 05.06.2015 BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM
- P7 COPY OF THE JUDGMENT DATED 08/06/2015 IN OP(DRT) 75/2015 BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM
- P8 A TRUE COPY OF THE PROCEEDING DATED 30.06.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.
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Dated this the 7th day of September, 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts. When the matter came up for admission it was noticed that the petitioner had already approached this Court on an earlier occasion, when by Ext.P4 judgment, this Court had directed the petitioner to remit the amount of Rs.96,66,328/- together with accrued interest in twelve equal and successive monthly installments commencing from 15.02.2015, as a condition for stay of recovery proceedings initiated against the petitioner by the respondent bank. It is not in dispute that the petitioner did not comply with the directions in the said judgment. Further, it is also brought to my notice that although the petitioner had filed an application seeking extension of time to comply with the directions in the judgment, the said application was also dismissed by this Court. Under the said circumstances, I am of the view that the petitioner is not entitled to

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any discretionary relief from this court in these proceedings under Article 226 of the Constitution of India. The writ petition fails, and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das