

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. 26569 of 2015 (U)

PETITIONER(S) :

- 1. AGUSTINE JACKSON DAURAVOA
S/O.FRANCIS DAURAVOA, 19/2004-H, JACK VILLA
40 FEET ROAD, NAMBIAPURAM, PALLURUTHY
KOCHI - 682 006.**
- 2. GREENE JACKSON DAURAVOA,
W/O.AUGUSTINE JACKSON DAURAVOA,
19/2004-H, JACK VILLA
40 FEET, NAMBIAPURAM,
PALLURUTHY, KOCHI - 682 006.**

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENT(S) :

- 1. THE AUTHORIZED OFFICER
SUNDARAM BNP PARIBAS HOME FINANCE LIMITED
SUNDARAM TOWERS, 46, WHITE ROAD
CHENNAI 600 01.**
- 2. THE SUNDARAM BNP PARIBAS HOME FINANCE LIMITED
2ND FLOOR, ELEZABETH ALEXANDER MEMORIAL BUILDING
OPPOSITE MARINE DRIVE, ERNAKULAM - 682 031
REPRESENTED BY TIS BRANCH MANAGER.**

R1 & R2 BY ADV. SRI.VARGHESE C. KURIAKOSE, SC

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

Mn

...2/-

WP(C).No. 26569 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. COPY OF THE NOTICE DATED 1.5.14 ISSUED BY THE IST RESPONDENT.**
- EXHIBIT P2. COPY OF THE NOTICE DATED 17.3.15 ISSUED BY THE ADVOCATE COMMISSIONER.**
- EXHIBIT P3. COPY OF THE JUDGMENT IN WP(C) NO. 9509/15 DATED 25.3.15 OF THIS HONOURABLE COURT.**
- EXHIBIT P4. COPY OF THE SALE AGREEMENT DATED 20.8.15.**
- EXHIBIT P5. COPY OF THE LOAN OFFER LETTERS DATED 17.4.12 BEARING FILE NUMBER 70007509 ISSUED FROM SUNDARAM BNP PARIBAS HOME FINANCE LTD.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 26569 of 2015

Dated this the 3rd day of September, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent Company, defaulted in repayment of the same. Consequently, the respondent 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. Ext.P2 is the notice issued by the Advocate Commissioner. When the matter came up for admission, it was submitted that the petitioner had already approached this Court on an earlier occasion, when confronted with similar recovery steps from the respondent company, and on that occasion Ext.P3 judgment was passed permitting the petitioner to pay the total overdue amount in equated monthly installments as a condition for keeping the recovery steps in abeyance. It is not in dispute that the directions in the said judgment were not complied by the petitioner. Under such circumstances, I am of the view that the petitioner is not entitled to the discretionary relief in these proceedings under Article 226 of the Constitution of India. Accordingly, the writ petition fails and it is dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE