

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937**

**WP(C).No. 27593 of 2015 (Y)**  
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**PETITIONER :**  
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**K.P. MADHUSOODHANAN  
AGED 40 YEARS, S/O. NANU VAIDHYAR  
PROPRIETOR, M/S. POWER LINE ENGINEERING  
VARAM, RESIDING AT KUNJIPARAMBATH HOUSE  
KURIODE P.O., VENGAD, THALASSERY TALUK  
KANNUR DISTRICT.**

**BY ADV. SMT.M.CHANDRALEKHA**

**RESPONDENT(S) :**  
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- 1. UNION BANK OF INDIA  
CHOVVA BRANCH, WOSCO BUILDING  
CHOVVA P.O., KANNUR  
REPRESENTED BY THE CHIEF MANAGER  
UNION BANK OF INDIA, PIN – 670 006.**
- 2. UNION BANK OF INDIA  
CHOVVA BRANCH, WOSCO BUILDING  
CHOVVA P.O., KANNUR  
REPRESENTED BY ITS AUTHORIZED OFFICER  
SHRI. PRAKASH NARAYANA SHENOI, CHOVVA  
KANNUR – 670 006.**

**R1 & R2 BY ADV. SRI. A.S.P. KURUP, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE ORDER IN CMP NO. 6755/2014 OF THE CHIEF JUDICIAL  
MAGISTRATE COURT, THALASSERY DATED 28/1/2015.
- EXT.P2 COPY OF NOTICE ISSUED TO THE PETITIONER BY ADVOCATE  
COMMISSIONER DATED 16/2/2015.
- EXT.P3 COPY OF THE JUDGMENT IN WP(C) NO. 8112/2015 DATED 17/3/2015.
- EXT.P4 COPY OF BANK STATEMENTS DATED 3/7/2015 AND 7/7/2015.
- EXT.P5 COPY OF THE RECEIPT.
- EXT.P6 COPY OF THE NOTICE ISSUED BY BANK DATED 11/8/2015.
- EXT.P7 COPY OF LETTER DATED 1/9/2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

**A.K.JAYASANKARAN NAMBIAR, J.**  
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**W.P.(C). No. 27593 of 2015**  
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**Dated this the 11<sup>th</sup> 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. Ext.P6 is the sale notice issued to the petitioner under the SARFAESI Act. When the matter came up for admission, it was noticed that the petitioner had already approached this Court on an earlier occasion praying for the same relief. On that occasion, by Ext.P3 judgment, this Court had granted the petitioner the facility of repayment of the outstanding dues in installments. It is not in dispute that the petitioner did not comply with the directions of the said judgment. Under such circumstances, I do not think that the petitioner is entitled to any discretionary relief from this Court, under Article 226 of the Constitution of India. The writ petition fails and is accordingly, dismissed.

Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**