

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

**PRESENT:**

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

**FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937**

**WP(C).No. 27612 of 2015 (B)**  
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**PETITIONER :**  
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**P.P JOHNSON  
PROPRIETOR, M/S. ATHULYA FURNITURE & WOOD INDUSTRIES  
MADAKKIMALA P.O., WAYANAD DISTRICT.**

**BY ADV. SRI.M.C.JOHN**

**RESPONDENT :**  
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**CANARA BANK  
KALPETTA BRANCH, KALPETTA,  
WAYANAD, PIN - 673 121  
REPRESENTED BY ITS AUTHORISED OFFICER.**

**BY ADV. SRI.K.S.DILIP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 27612 of 2015 (B)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT. P1 - TRUE COPY OF THE ORDER DT. 22.05.2015 IN S.A NO. 264/15 OF THE DEBTS RECOVERY TRIBUNAL.
- EXT. P2 - TRUE COPY OF THE PAYMENT SCHEDULE DT. 08.06.2015 ISSUED BY THE RESPONDENT TO THE PETITIONER.
- EXT. P3 - TRUE COPY OF LETTER DT. 20.6.2015 FROM THE PETITIONER TO THE RESPONDENT.
- EXT. P4 - TRUE COPY OF THE NOTICE DT. 06.7.2015 ISSUED BY THE ADVOCATE COMMISSIONER TO THE PETITIONER.
- EXT. P5 - TRUE COPY OF THE JUDGMENT DT. 24.7.2015 IN WPC NO. 22372/15 OF THE HON'BLE COURT.
- EXT. P6 - TRUE COPY OF THE SETTLEMENT DEED NO. 2459/2001 DT. 11.10.2011 OF KALPETTA SUB REGISTRY OFFICE.
- EXT. P7 - TRUE COPY OF THE ORDER DT. 04.09.2015 IN IA NO. 2008/15 IN S.A NO. 264/14 OF THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

**RESPONDENT(S)' EXHIBITS :**        **NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**A.K.JAYASANKARAN NAMBIAR, J.**  
.....  
**W.P.(C).No.27612 of 2015**  
.....  
**Dated this the 16<sup>th</sup> day of October, 2015**

**J U D G M E N T**

The petitioner, who had approached this Court aggrieved by the steps taken by the respondent bank for recovery of defaulted loan amounts, was directed by an interim order of this Court to pay Rs.15 lakhs within three weeks from 16.09.2015, as a condition for the grant of stay against further proceedings initiated against the petitioner by the respondent bank. When the matter was called today, it is submitted that the petitioner has not complied with the directions issued by this Court on 16.09.2015. Under the said circumstances, I am of the view that, the petitioner is not entitled to any discretionary relief from this Court under Article 226 of the Constitution of India.

Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

