

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 27763 of 2015 (U)

PETITIONER :

**M.V. SHABEEB
S/O.ABDUL KHADER HAJI, AGED 58 YEARS, MELEVEETIL HOUSE
PARAPPANANGADI P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S) :

- 1. THE AUTHORIZED OFFICER
THE MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD
HEAD OFFICE, UP HILL, MALAPPURAM P.O.
MALAPPURAM DISTRICT - 676 505.**
- 2. THE MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD
PARAPPANANGADI BRANCH, REPRESENTED BY MANAGER
PARAPPANANGADI P.O., MALAPPURAM DISTRICT - 676 303.**

R1 & R2 BY ADV. SRI.E.S.M.KABEER, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 27763 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1- TRUE COPY OF THE C.M.P NO.1462 OF 2015 BEFORE THE HON'BLE
CHIEF JUDICIAL MAGISTRATE COURT, MANJERI DATED 1.6.2015.**

**EXT. P2- TRUE COPY OF THE NOTICE DATED 9.9.2015 ISSUED BY THE
ADVOCATE COMMISSIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 27763 of 2015

Dated this the 3rd day of November, 2015

JUDGMENT

The petitioner has approached this Court through the present writ petition aggrieved by the steps taken by the respondent bank under the SARFAESI Act, to recover the defaulted loan amounts from him. When the matter came up for admission on 14.09.2015, this Court had granted the petitioner an interim order of stay against recovery on condition that the petitioner paid an amount of Rs.3,00,000/- within a period of three weeks from 14.09.2015. When the matter was taken up for orders today, it is submitted by counsel for the respondent bank that the petitioner has not complied with the direction in the interim order dated 14.09.2015. Taking note of the said submission of the learned counsel for the respondent bank, I find that the petitioner is not entitled to the discretionary relief of 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