

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 28175 of 2015 (V)

PETITIONER(S):

**RAJESH M.,
S/O.MANIYAPPAN, ILLICKAL VEEDU, THIRUVMALA WARD,
ALAPPUZHA DISTRICT.**

BY ADV. SRI.K.C.SUDHEER

RESPONDENT(S):

- 1. AUTHORISED OFFICER,
CANARA BANK, R & L SECTION, CIRCLE OFFICE,
M.G. ROAD, PALAYAM, TRIVANDRUM PIN-695 001.**
- 2. BRANCH MANAGER,
CANARA BANK, B.J.ROAD BRANCH, ALAPPUZHA DISTRICT,
PIN-688 001.**

BY ADV. SRI.V.B.HARI NARAYANAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 28175 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : TRUE COPY OF MEDICAL RECORDS ISSUED FROM TD MEDICAL COLLEGE
HOSPITAL, VADANAM, DT 27-10-2012.**

**P2 : TRUE COPY OF MEDICAL RECORDS ISSUED FROM TD MEDICAL COLLEGE
HOSPITAL, VADANAM, DT 16-11-2012.**

**P3 : TRUE COPY OF THE MEDICAL RECORDS ISSUED FROM TD MEDICAL COLLEGE
HOSPITAL, VADANAM DT 20-02-2013.**

**P4 : TRUE COPY OF THE RELEVANT EXTRACT OF SALE NOTICE OF SALE
DT 19-9-2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No.28175 of 2015

Dated this the 8th day of October, 2015

JUDGMENT

The petitioner, who had availed of 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.P4 is the copy of the sale notice published by the respondent bank.

2. When the matter came up for admission on 18/09/2015, this Court had granted the petitioner an interim stay against the recovery proceedings on condition that the petitioner paid an amount of Rs.5,00,000/- (Rupees Five lakhs only) on or before 30/09/2015. Thereafter, the matter was posted on 1/10/2015, 5/10/2015, 6/10/2015 for the petitioner to report compliance. When the matter is called up today, it is submitted by counsel for the respondent bank that the petitioner has not complied with the directions in the interim order dated 18/09/2015. Under the said circumstance, I am of the view that the petitioner is not entitled to any discretionary relief from this Court under in the proceedings under Article 226 of the Constitution of India.

The writ petition fails and accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE