

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 28261 of 2015 (G)

PETITIONER(S) :

**MUTHALIF P.N.NOORMUHAMMED,
S/O.NOORUMOHAMMED, PARAKKAL PARAMBIL, THARUR P.O.**

BY ADV. SMT.E.V.MOLY

RESPONDENT(S) :

**STATE BANK OF TRAVANCORE,
ALATHUR, P.B. NO.15, COURT ROAD,
PALAKKAD- 678 001,
REPRESENTED BY ITS AUTHORIZED OFFICER.**

**BY SRI.T.SETHUMADHAVAN (SENIOR ADVOCATE)
ADV. SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 : THE TRUE COPY OF THE CERTIFICATE ISSUED BY DISTRICT HOSPITAL
PALAKKAD.**
- P2 : THE TRUE COPY OF THE CERTIFICATE ISSUED BY DISTRICT HOSPITAL
PALAKKAD.**
- P3 : THE TRUE COPY OF THE RELEVANT PAGE OF THE ACCOUNT PASS
BOOK.**
- P4 : THE TRUE COPY OF THE SALE NOTICE DATED 14/08/2015 PUBLISHED IN
MALAYALA MANORAMA DAILY.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No.28261 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

The petitioner, who had availed a housing 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.

2. When the matter came up for admission, this Court admitted the writ petition and granted an interim stay of recovery proceedings on condition that the petitioner remitted an amount of Rs.3,00,000/- (Rupees Three lakhs only) on or before 01/10/2015. When the case was called up today, it is submitted by counsel for the petitioner that the petitioner has not complied with the directions of this Court, save to the extent of paying an amount of Rs.1,80,000/- (Rupees One lakh eight thousand only) as against Rs.3,00,000/- that was directed to be paid. Under the said circumstances, I am of the view that the petitioner is not entitled to the discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India.

The writ petition fails and accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE