

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 28392 of 2015 (Y)

PETITIONER(S):

1. P.V.JOSE, S/O.VARGHESE,
PULIKKOTTIL HOUSE, VYLATHOOR,
NAMANGAT P.O, TRISSUR.
2. MRS.LUCY JOSE, W/O.P.V.JOSE,
RESIDNG OF PULIKKOTTIL HOUSE,
VYLATHOOR, NAMANGAT P.O., TRISSUR.

**BY ADVS.SRI.JOHNSON MANAYANI
SRI.PHM.BASHEER**

RESPONDENT(S):

1. AUTHORISED OFFICER, FEDERAL BANK LIMITED,
KUNNAMKULAM BRANCH, VADAKKANCHERRY ROAD,
TRICUR DISTRICT -680 310.
2. THE DISTRICT COLLECTOR,
TRICHUR -680 001.

**R1 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY
R2 BY GOVERNMENT PLEADER SMT. LILLY.K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 28392 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF INTERIM ORDER OF KERALA HIGH COURT DATED 21.12.2009
IN WP(C) NO.34113/2009-H**
- P2- TRUE COPY OF THE ORDER DATED 24.2.2012 IN IA NO.622/12 IN S.A.
NO.191/12**
- P3- TRUE COPY OF THE SALE NOTICE OF THE 1ST RESPONDENT DATED
19.8.2015**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.28392 of 2015

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Dated this the 4th day of November, 2015

J U D G M E N T

The petitioner, who had approached this Court aggrieved by the steps initiated by the respondent bank for recovery of the loan amounts, was directed by an interim order dated 23.09.2015 to pay an amount of Rs.2 lakhs as a condition for stay of further proceedings pursuant to Ext.P3 notice. The payment was to be made on or before 15.10.2015. When the matter was taken up for orders today, it is submitted by counsel for the petitioner that the amount of Rs.2 lakhs has not been paid till date. Under the said circumstances, I am of the view that, the petitioner is not entitled to the discretionary relief of this Court under Article 226 of the Constitution of India, in the present writ petition.

Resultantly, the writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/04.11.15

