

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. 28778 of 2015 (V)

PETITIONERS :

**LINDA, AGED 40 YEARS,
D/O. JAMMA, KALIYILIL VEEDU, KOIVILA,
THEKKUMURI, THEVALAKKARA POST, KOLLAM DISTRICT.**

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS :

- 1. AUTHORISED OFFICER
KARUNAGAPPALLY TALUK URBAN CO-OPERATIVE
BANK LTD NO.Q-455, KARUNAGAPPALLY, KOLLAM 690 547.**
- 2. THE BRANCH MANAGER
KARUNAGAPPALLY TALUK URBAN CO-OPERATIVE
BANK LTD NO.Q-455, KARUNAGAPPALLY, KOLLAM 690 547.**
- 3. JOSEPH JOY
S/O.PHILIP, VALIYAPARAMBIL, CHITTOOR
PANMANA VILLAGE, KARUNAGAPPALLY, KOLLAM 691 583.**

**R1 BY SRI.N.DHARMADAN SENIOR ADVOCATE
R1 BY ADV. SMT.D.P.RENU**

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE SALE DEED DATED 2/2/1996.
- P2: TRUE COPY OF THE PETITION O.P.(DIVORCE) NO.1435/2013 BEFORE THE FAMILY COURT, CHAVARA DATED 30/10/2013 FILED BY THE 3RD RESPONDENT.
- P3: TRUE COPY OF THE OBJECTION DATED 9/10/2014 IN OP(DIVORCE) NO.1435/2013 BEFORE THE FAMILY COURT, CHAVARA FILED BY THE PETITIONER.
- P4: TRUE COPY OF THE OP NO.1388/2013 BEFORE THE FAMILY COURT, CHAVARA DATED 7/10/2013.
- P5: TRUE COPY OF THE PETITION DATED 28/5/2015 BEFORE THE FAMILY COURT, CHAVARA.
- P6: TRUE COPY OF THE NOTICE UNDER SECTION 13(2) OF THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT 2002 DATED 4/12/2014.
- P7: TRUE COPY OF THE NOTICE DATED 4/9/2015 FROM THE ADVOCATE COMMISSIONER APPOINTED BY THE HON'BLE CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM IN C.M.P 1692/2015.
- P8: TRUE COPY OF THE SALARY CERTIFICATE DATED 21/1/2014

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.28778 of 2015
.....

Dated this the 4th day of November, 2015

J U D G M E N T

The petitioner, who was a guarantor to the loan availed by her husband, and who was aggrieved by the steps taken by the respondent bank for recovery of the defaulted loan amounts under the SARFAESI Act, had approached this Court challenging the said steps taken by the respondent bank. By an interim order dated 23.09.2015, this Court had granted an interim stay against recovery proceedings for a period of 6 weeks on condition that the petitioner paid an amount of Rs.50,000/- on or before 12.10.2015. When the matter was taken up for orders today, it is submitted by Standing counsel for the respondent bank that the petitioner has not complied with the directions in the interim order dated 23.09.2015. Taking note of the said submission of counsel for the respondent bank, I am of the view that, the petitioner who has not complied with the direction in the interim order dated 23.09.2015 is not entitled to any discretionary relief from this Court under these proceedings under Article 226 of the Constitution of India.

Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns/04.11.15

