

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 28867 of 2015 (G)

PETITIONER(S):

**HONEY P.J. AGED 36 YEARS
SHEETHAL HOUSE, MARADU PO, ERNAKULAM**

BY ADV. SRI.A.K.HARIDAS

RESPONDENT(S):

- 1. HOUSING DEVELOPMENT FINANCE CORPORATION LTD.
HDFC HOUSE, PB No.1667, RAVIPURAM
KOCHI - 682 015 REPRESENTED BY ITS
AUTHORISED OFFICER**
- 2. SANKER G. 14/17 ANNA TOWERS COLONY
KNG PODUR, COIMBATORE**

R BY SMT.S.AMBILY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 28867 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1 TRUE COPY OF LOAN AGREEMENT

EXHIBIT P2 TRUE COPY OF JUDGMENT IN WP(C) 24168/14 DATED 13.07.2015.

EXHIBIT P3 TRUE COPY OF ADVERTISEMENT IN MALAYALA MANORAMA 8/8/2015.

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 28867 of 2015

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioner along with the 2nd respondent had availed a loan from the respondent bank and 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. When the matter was taken up for admission, it was found that the petitioner had, when faced with recovery proceedings on an earlier occasion, approached this Court through WP(C) No.24168 of 2014, when by Ext.P2 judgment, this Court had granted the petitioner the facility of making the overdue payments in six equal monthly installments. It is not in dispute that the petitioner has not complied with the directions in Ext.P2 judgment. Under the said circumstances, I am of the view that the petitioner is not entitled to seek the discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India. Resultantly, the writ petition fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE