

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 29148 of 2015 (P)

PETITIONER(S) :

**SAJEEV JOSEPH, AGED 45 YEARS,
VETTUKUZHIL HOUSE, CHEERANCHIRA.P.O, CHANGANACHERRY,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.JACOB CHACKO
SRI.C.A.JOJO
SRI.MATHEWS JOSEPH**

RESPONDENT(S) :

- 1. AUTHORISED OFFICER/CHIEF MANAGER,
FEDERAL BANK, ZONAL OFFICE, S.H.MOUNT.P.O,
KOTTAYAM-686 006, KERALA.**
- 2. RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL, KERALA, LAKSHADWEEP-682 553.**

**R1 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY
R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
ADV. SRI.B.GOPALAKRISHNAN, CGC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE POSSESSION CERTIFICATE DATED 22.08.2008
ISSUED BY THE VILLAGE OFFICER, MANJUMALA INFAVOUR OF
PETITIONER.**
- P2: TRUE COPY OF THE RECEIPT ISSUED BY THE KERALA KARSHAKA
THOZHILALI KSHEMANIDHI BOARD, THRISSUR FAVOUR OF
THE PETITIONER DATED 24.10.2007.**
- P3: SALE DATED 03.11.2014 BY THE DEBT RECOVERY TRIBUNAL, KERALA,
LAKSHADWEEP FOR A RESERVE PRICE OF RS.1 CRORE 55 LAKHS.**
- P4: TRUE COPY OF THE LETTER DATED 13.07.2015 REJECTING
THE REPRESENTATION OF THE PETITIONER FOR ONE TIME
SETTLEMENT.**
- P5: TRUE COPY OF SALE WAS ISSUED BY THE HON'BLE DEBT RECOVERY
TRIBUNAL, KERALA & LAKSHADWEEP DATED 27.07.2015.**
- P6: TRUE COPY OF THE REPRESENTATION DATED 19.09.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.29148 of 2015
.....
Dated this the 19th day of October, 2015

J U D G M E N T

The petitioner is aggrieved by the steps taken by the respondent bank under the SARFAESI Act for recovery of defaulted loan amounts. When the matter came up for admission, this Court by an interim order dated 25.09.2015 granted a stay of further proceedings pursuant to Ext.P5 for the period of one month on condition that the petitioner deposits an amount of Rs.25 lakhs with the 1st respondent within a period of 10 days. It is submitted by the learned counsel for the petitioner that the directions in the interim order passed by this Court could not be complied with. Under the said circumstances, I am of the view that the petitioner is not entitled to any discretionary relief from this Court under Article 226 of the Constitution of India, in the present writ petition.

Resultantly, the writ petition fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/19.10.15

//true copy//

P.A To Judge

