

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 31912 of 2013 (L)

PETITIONER:

K.VASU
S/O.CHATHUKUTTY, KANAKANCHERI HOUSE, KURUVATTISSERI
OZHOO PO, MALAPPURAM DISTRICT

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS:

THE AUTHORIZED OFFICER
THE MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.
UP HILL , MALAPPURAM DISTRICT

BY ADV. SRI.ESM.KABEER
BY ADV. SRI.ABDUL MAJEED.N

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31912 of 2013 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 COPY OF THE APPLICATION SUBMITTED BY THE RESPONDENT BANK
DATED 29/10/2013

RESPONDENT(S)' EXHIBITS: NIL

True copy

P.S.to Judge

dsn

ANIL K.NARENDRA, J

W.P.(C)No.31912 Of 2013

DATED THIS THE 8th DAY OF SEPTEMBER, 2015

JUDGMENT

The petitioner, who is stated to have availed a loan for ₹1,00,000/- from the respondent-Bank on 28.9.2005 has filed this Writ Petition seeking a writ of certiorari to quash Ext.P1 application filed by the Bank before the Chief Judicial Magistrate Court, Manjeri under Section 14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to effect physical possession of the property and for other consequential reliefs.

2. By order dated 20.12.2013, taking note of the contention raised in the Writ Petition that the petitioner is only seeking a breathing time to clear off the liabilities, this Court passed the following order:

“ Taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready to pay the entire liability by way of some reasonable instalments, there shall be an interim order of ‘Status quo’ to be maintained for a period of one month, on condition that the petitioner deposits a sum of ₹35,000 within two weeks”.

Though the interim order granted on 20.12.2013 to maintain status quo had already expired on 20.1.2014, the Writ Petition was never brought up for extension of the said interim order.

3. Today, when the Writ Petition was taken up for further consideration, the learned counsel for the petitioner submitted that he has no instructions as to whether the petitioner has already complied with the condition stipulated in the interim order passed by this Court on 20.12.2013. Since the interim order to maintain status quo had already expired on 20.1.2014, the petitioner is not entitled for any order at this point of time to pay the liability, if any, outstanding, in monthly instalments.

In such circumstances, this Writ Petition is dismissed. No order as to costs.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn

True copy

P.S.to Judge