

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 29500 of 2015 (J)

PETITIONER :

**P.K.GOVINDAN
S/O.KUNHAN, AGED 65
PANDIKASALAVALAPPIL HOUSE, MANGAD DESOM
KOTTAPPURAM VILLAGE, KOTTAPPURAM P.O.
THALAPPILLY TALUK, THRISSUR DISTRICT,
PIN - 680584.**

**BY ADVS.SMT.M.R.REENA
SRI. P.S. SUJETH**

RESPONDENT :

**THE BRANCH MANAGER
DHANALAXMI BANK, CHERUTHURUTHI BRANCH,
THRISSUR DT.**

BY ADV. SRI.C.K.KARUNAKARAN, SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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...2/-

WP(C).No. 29500 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1: THE TRUE COPY OF THE FINAL AUCTION NOTICE ISSUED TO THE PETITIONER DT.16.09.2015.

EXHIBIT-P2: THE TRUE COPY OF THE REPRESENTATION GIVEN TO THE RESPONDENT DATED 18.09.2015.

RESPONDENT(S)' EXHIBITS :

EXT. R1(a) COPY OF THE APPLICATION MADE BY THE PETITIONER FOR THE GOLD LOAN DATED 8-3-2014.

EXT. R1(b) COPY OF LEGIBLE SPECIMEN OF GOLD LOAN APPLICATION FORM.

EXT. R1(c) COPY OF DEMAND LETTER DATED 28.5.2015 ALONG WITH ACKNOWLEDGMENT CARD.

//TRUE COPY//

P.A. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.29500 of 2015

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Dated this the 12th day of October, 2015

J U D G M E N T

The petitioner, who had availed of a gold loan from the respondent bank and defaulted in repayment of the same, approached this Court when the respondent bank initiated proceedings for recovery of the loan amounts. Ext.P1 is the final auction notice that was issued to the petitioner. When the matter came up for admission on 01.10.2015, this Court had granted an interim stay as prayed for against recovery proceedings, on condition that, the petitioner remitted an amount of Rs.50,000/- on or before 09.10.2015. When the case was called up today, it is reported by the learned Standing counsel for the respondent bank that, the petitioner has not complied with the directions of this Court by depositing Rs.50,000/- on or before 09.10.2015. 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**

