

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 30410 of 2015 (A)

PETITIONER :

**M/S.TRENDS TIMES
REP. BY ITS PARTNER DINESAN P.
AGED 44 YEARS, S/O. KUNHIRAMAN
PUTHUSSERI HOUSE, PAYYOLI
IRINGTH P.O., KOZHIKODE – 673 523.**

**BY ADVS.SRI.G.CHANDRASEKHAR
SRI.SIJO GEORGE
SRI.RAYNOLD FERNANDEZ N.**

RESPONDENT :

**THE AUTHORISED OFFICER & SENIOR MANAGER
KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, P.O. NO. 503, CHALAPPURAM P.O.,
KOZHIKODE, PIN – 673 002.**

BY ADV. SRI.R.SUDHISH, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 30410 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF NOTICE UNDER SECTION 13(2) OF THE SARFAESI ACT.

EXT.P2 COPY OF ORDER IN IA NO. 2071/2015 IN SA NO. 293/2015 OF THE DEBT
RECOVERY TRIBUNAL, ERNAKULAM.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 30410 of 2015

Dated this the 7th day of October, 2015

JUDGMENT

The petitioner, who is a partner in a partnership firm started by four partners, is aggrieved by Ext.P2 order of the Debt Recovery Tribunal, Ernakulam, by which the petitioner was given an installment facility to discharge his liability to the respondent bank. In the writ petition, it is the stand of the petitioner that he could not comply with the directions in Ext.P2 order and that, if the time for complying with the directions in Ext.P2 order is enlarged by this Court, then he would be in a position to comply with the said order.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that another partner of the same firm had approached this Court earlier by filing WP(C) No.3754 of 2015, and this Court by the judgment dated 04.03.2015, had granted the said partner an installment facility for discharging the liability of the firm to the respondent bank. In the light of the said fact, the present writ petition filed by yet another

partner of the same firm, seeking substantially the same relief as was already granted to the other partner by the judgment referred to above, cannot be maintained. I find that the petitioner in the instant writ petition is not entitled to any discretionary relief from this Court, in these proceedings under Article 226 of the Constitution of India. Resultantly, the writ petition fails and it is dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE