

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937H

WP(C).No. 30431 of 2015 (D)

PETITIONER :

**DEEPA S., AGED 43,
W/O. SHAJI V.K., NEAR ST. PAULS SCHOOL,
BANGLOW KUNNU, CHALIKAL, KONGAD P.O.,
PALAKKAD-678 631**

BY ADV. SRI.S.MURALI

RESPONDENT(S) :

**1. AUTHORISED OFFICER,
STATE BANK OF TRAVANCORE,
PALAKKAD MAIN BRANCH, SURYA COMPLEX,
PALAKKAD-678014**

**2. CHIEF MANAGER
STATE BANK OF TRAVACORE, PALAKKAD MAIN BRANCH
SURYA COMPLEX, PALAKKAD-678 014**

**R1 & R2 BY SENIOR ADVOCATE SRI.T.SETHUMADHAVAN, SC
BY ADVS. SRI. JAYESH MOHAN KUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 30431 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: TRUE COPY OF THE SALE NOTICE ISSUED UNDER SARFASI ACT
 NO. AGM III/TSR/SBT DT. 10/9/15.**

**EXT.P2: TRUE COPY OF THE BANK STATEMENT ISSUED BY 2ND
 RESPONDENT FOR THE TRANSACTION FROM 30/6/10 TO 23/9/15.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.30431 of 2015
.....

Dated this the 27th day of October, 2015

J U D G M E N T

The petitioner who had availed of a loan from the respondent bank, defaulted in repayment of the same. Accordingly, the bank initiated proceedings against the petitioner 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. Ext.P1 is the sale notice issued by the bank. When the matter came up for admission on 09.10.2015, this Court had granted an interim stay of further proceedings pursuant to Ext.P1 sale notice on condition that the petitioner pays an amount of Rs.5 lakhs on or before 27.10.2015. When the matter came up for orders today, it is submitted that the petitioner is not complied with the directions in the interim order dated 09.10.2015. Taking note of the said submission, 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**

