

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 30926 of 2015 (M)

PETITIONER(S):

**ELDHOSE K JOSE,
S/O.JOSE, KOTTAYIL HOUSE, MULANKUNNATHUKAVU PO,
THIRSSUR REPRESENTED BY POWER OF ATTORNEY,
HOLDER PAULOSE JOSE .K,
S/O.JOSE, KOTTAYIL HOUSE, MULAMKUNNATHUKAVU PO
TRISSUR.**

BY ADV. SMT.VIJAYAKUMARI

RESPONDENT(S):

**BANK OF BARODA,
REPRESENTED BY THE MANAGER,
MANNUTHY BRANCH, 1ST FLOOR
ATLAS BUILDING, MARKET ROAD, MANNUTHY,
THRISSUR, PALAYAM BRANCH.**

BY SRI.DEVAN RAMACHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- THE COPY OF THE POWER OF ATTORNEY DATED 1.7.2015 EXEUCTED BY THE PETITIONER IN FAVOUR OF PAULOSE JOSE .K**
- P2- THE COPY OF THE NOTICE ISSUED BY THE BANK DATED 15.11.2014 TO SURRENDER THE POSSESSION**
- P3- THE COPY OF JUDGMENT IN WPC NO.31968/14 DATED 10.12.2014 BY THIS HONOURABLE COURT**
- P4- THE COPY OF THE LETTER SUBMITTED BEFORE THE BANK BY THE DEPOSITOR**
- P5- THE COPY OF THE LETTER SUBMITTED BY THE POWER OF ATTORNEY HOLDER ON BEHALF OF THE PETITONER**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 30926 of 2015

Dated this the 20th day of October, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent bank, and defaulted in repayment of the same, has approached this court aggrieved by the steps taken by the respondent bank to recover the defaulted loan amounts. It is seen from a perusal of the writ petition that the petitioner had already approached this Court on an earlier occasion through WP(C)No.31968 of 2014 when steps were taken against him by the respondent bank to recover the then defaulted loan amounts. On that occasion, this Court by Ext.P3 judgment, permitted the petitioner to pay the defaulted amounts in installments as a condition for stay of recovery proceedings initiated against the petitioner by the respondent bank. It is not in dispute that the petitioner did not comply with the directions of this Court in Ext.P3 judgment. Under the said circumstances, I am of the view that the petitioner cannot aspire for any discretionary relief from this Court, in these proceedings under Article 226 of the Constitution of India. Resultantly, the writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE