

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, 1937

WP(C).No. 31001 of 2015 (A)

PETITIONER(S):

**PAUL T.J., AGED 59 YEARS,
S/O.LATE OUSEPH, THOTTAKARA HOUSE, SANTHI NAGAR,
MANJAPRA P.O., ALUVA TALUK, PIN - 683 581.**

BY ADV. SRI.P.T.JOSE

RESPONDENT(S):

- 1. STATE BANK OF TRAVANCORE,
ATHANI BRANCH, ERNAKULAM DISTRICT-683 585,
REPRESENTED BY BRANCH MANAGER.**
- 2. AUTHORIZED OFFICER (CHIEF MANAGER),
STATE BANK OF TRAVANCORE, REGION II, SBT BHAVAN,
PANAMPILLY NAGAR, ERNAKULAM - 682 036.**
- 3. M/S.ANJALI MEDICALS, AGED 49 YEARS,
ATHANI P.O., ERNAKULAM - 683 585,
REPRESENTED BY PROPRIETOR SRI.JOHN T.J., S/O.LATE OUSEPH,
THOTTAKARA HOUSE, SANTHI NAGAR, MANJAPRA P.O.,
ALUVA TALUK, PIN - 683 581.**

**R1 & R2 BY ADVS. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

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

msv/

WP(C).No. 31001 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE NOTICE DATED 11/12/2013 ISSUED BY THE
2ND RESPONDENT.**

**EXHIBIT-P2:TRUE COPY OF THE PARTITION SUIT OS 615/2013 FILED BEFORE THE
MUNSIFF COURT ALUVA.**

**EXHIBIT-P3:TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE
1ST RESPONDENT OS 615/2013 PENDING BEFORE THE MUNSIFF COURT
ALUVA.**

**EXHIBIT-P4:TRUE COPY OF THE SALE NOTICE DATED 27/8/2015 PUBLISHED IN
MALAYALA MANORAMA DAILY NEWS PAPER.**

**EXHIBIT-P5:TRUE COPY OF THE NOTICE DATED 31/8/2015 ISSUED BY THE
2ND RESPONDENT TO THE WIFE OF THE DECEASED OUSEPH.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.31001 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 cash credit facility 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. When the matter came up for admission this Court by an interim order dated 12.10.2015, granted an interim stay against recovery proceedings on condition that the petitioner pays an amount of Rs.3 lakhs within one week from the date of the order. When the matter came up for orders today, it is submitted by counsel for the petitioner that the petitioner has not complied with the directions in the interim order dated 12.10.2015. 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**

