

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 31156 of 2015 (T)

PETITIONER :

**MERLIN GEORGE
AGED 51 YEARS, W/O. LATE DR. GEORGE P.M.,
FLAT NO. 34, 12TH BLOCK
EAST HILL APARTMENTS, EAST HILL P.O.
CALICUT -673 005.**

**BY ADVS.SRI.R.SUDHISH
SMT.M.MANJU**

RESPONDENT(S) :

**THE AUTHORISED OFFICER/CHIEF MANAGER,
BANK OF INDIA, 8/103
SILK STREET, CALICUT - 673 032.**

BY ADV. SRI.M.DINESH, SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 31156 of 2015 (T)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1- PHOTOCOPY OF THE 13 (2) NOTICE DATED 13/05/2015.

EXHIBIT-P2- PHOTOCOPY OF THE OBJECTION DATED 20/05/2015.

EXHIBIT-P3- PHOTOCOPY OF THE OBJECTION DATED 04/06/2015.

EXHIBIT-P4- PHOTOCOPY OF THE POSSESSION NOTICE DATED 5/08/2015.

**EXHIBIT-P5- PHOTOCOPY OF THE NOTICE DATED 10/09/2015 ISSUED BY THE
ADVOCATE COMMISSIONER.**

**EXHIBIT-P6- PHOTOCOPY OF THE INTERIM ORDER OF THE DEBT RECOVERY
TRIBUNAL IN I.A SA 357/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.31156 of 2015
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Dated this the 16th day of November, 2015

J U D G M E N T

This writ petition was filed by the petitioner aggrieved by the steps taken by the respondent bank against the property of the petitioner, for recovery of defaulted loan amounts that were availed by the petitioner's late husband. When the matter came up for admission, this Court granted an interim stay of further proceedings for recovery against the petitioner on condition that the petitioner paid an amount of Rs.5 lakhs on or before 15.11.2015. When the matter was taken up for orders today, it is submitted by the learned counsel for the respondent bank that the petitioner has not complied with the directions of this Court in the interim order dated 14.10.2015. 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, in the present writ petition.

Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

