

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 31688 of 2015 (I)

PETITIONER(S) :

**HILARY FELSON,
S/O.FRANCIS, A5, KENSTON TOWERS,
NANTHENCODE, KOWDIAR P.O., TRIVANDRUM- 695 003.**

BY ADV. SRI.V.A.VINOD

RESPONDENT(S) :

- 1. STATE BANK OF TRAVANCORE,
KAZHAKOOTTAM BRANCH, KAZHAKOOTTAM,
THIRUVANANTHAPURAM-695 582.**
- 2. ANIL AYYAPPANKUTTY NAIR
S/O. AYYAPPANKUTTY NAIR, DEVI MANDIRAM, MINI ESTATE,
BHOOTHATHANKETTU P.O., KOTHAMANGALAM,
ERNAKULAM-686 691.**

**ABROAD ADDRESS
P.O.BOX NO.66482,
BAYAN 43755, KUWAIT.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 : A TRUE COPY OF THE EX-PARTE ORDER DATED IN 30.10.2013 IN
O.A.NO.73/2013.**
- P2 : A TRUE COPY OF THE ORDER DATED 13.10.2014 IN I.A NO.534 AND 572
OF 2014.**
- P3 : A TRUE COPY OF THE NOTICE DATED 23.06.2015 FOR SETTling SALE
PROCLAMATION.**
- P4 : A TRUE COPY OF THE ORDER DATED 18.08.2015 IN
OP.DRT NO.97 OF 2015.**
- P5 : A TRUE COPY OF THE LETTER DATED 05.10.2015.**
- P6 : A TRUE COPY OF THE REQUEST GIVEN BY THE PETITIONER
DATED 09.10.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.31688 of 2015
.....

Dated this the 29th day of October, 2015

J U D G M E N T

The petitioner is aggrieved by the steps taken by the respondent bank under the SARFAESI Act for recovery of defaulted loan amounts. When the matter came up for admission on 16.10.2015, the petitioner was directed to effect the payment of Rs.6,60,000/- to the respondent bank within 10 days. When the matter was taken up for orders today, it is submitted by counsel for the respondent bank that the petitioner has not effected payment of Rs.6,60,000/- till date. Under the said circumstances, 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**

mns

