

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 31718 of 2015 (L)

PETITIONERS :

- 1. K.N.VINOBAJI, AGED 49 YEARS,
S/O.NARAYANAN, KIZHAKKAPPURATHUDY HOUSE,
ALATTUCHIRA P.O. ERNAKULAM DISTRICTPIN - 683 544.**
- 2. BIJI VINOBAJI,
W/O.K.N.VINOBAJI, KIZHAKKAPPURATHUDY HOUSE,
ALATTUCHIRA P.O., ERNAKULAM DISTRICT.PIN - 683 544.**

BY ADV. SRI.SUSHANTH.J.

RESPONDENTS :

- 1. M/S. SUNDARAM BNP PARIBAS HOME FINANCE LIMITED,
46, SUNDARAM TOWERS, 4TH FLOOR,
WHITES ROAD, CHENNAI - 600014
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. XAVIERKUTTY K.J.,S/O.JAMES,
BMRA NO.4, BALAKRISHNA MENON ROAD,
EDAPPALLY P.O. KOCHI - 682 024.**
- 3. ALICE XAVIER, W/O.XAVIER KUTTY,
BMRA NO.4, BALAKRISHNA MENON ROAD,
EDAPPALLY P.O. KOCHI - 682 024.**

**R1 BY ADV. SRI.S.EASWARAN
R2 & R3 BY ADV. SRI.S.SARATH PRASAD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF PROPERTY TAX RECEIPT DATED 9.2.2015.

EXT.P-2: TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER
IN CRL.M.P 2283/2015.

EXT.P-3: TRUE COPY OF THE IDENTITY CARDS DATED 15.10.1997 ISSUED BY THE
ELECTION COMMISSION.

EXT.P-4: TRUE COPY OF RELEVANT PAGE OF RATION CARDS ISSUED TO THE
PETITIONERS DATED 24.12.2008.

EXT.P-5: TRUE COPY OF THE DEMAND OF DISCONNECTION NOTICE ISSUED BY
THE KSEB DATED 5.8.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 31718 of 2015
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Dated this the 4th day of December, 2015

JUDGMENT

The petitioners, who are aggrieved by the action taken by the respondent bank under the SARFAESI Act, for taking possession of the building, in which the petitioners are stated to have some interest, approached this Court with the present writ petition, with a view to prevent the recovery steps initiated by the respondent bank. By an order dated 16.11.2015, the interim order against the steps taken by the respondent bank against the property, was extended on condition that the petitioners paid an amount of Rs.5,00,000/- on or before 03.12.2015.

When the matter was taken up for orders today, it is submitted by counsel for the petitioners that the petitioners have not complied with the directions in the interim order dated 16.11.2015. Taking note of the said submission, I am of the view that the petitioners are not entitled to any discretionary relief from this Court, in these proceedings under Article 226 of the Constitution of India. The writ petition, therefore fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE