

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 32947 of 2014 (P)

PETITIONER:

**UNNIKRISHNAN A.R., S/O.LATE A.RAMAN,
IYKERI HOUSE, ST.FRANCIS CHURCH ROAD,
AZAD ROAD, KALOOR, ERNAKULAM - 682 017.**

BY ADV. SRI.M.R.NANDAKUMAR

RESPONDENT(S):

- 1. THE CATHOLIC SYRIAN BANK LTD.,
D J M BUILDING, P.B.NO.114,
MARKET ROAD, ERNAKULAM,
REP. BY ITS AUTHORISED OFFICER-682031.**
- 2. THE BRANCH MANAGER, CATHOLIC SYRIAN BANK,
PALARIVATTOM BRANCH, ERNAKULAM-682024.**
- 3. M/S.DEVUS TRADING COMPANY,
REP. BY PROPRIETOR, SURESH.K., 49/1295-B,
DEVIKA, CHUTTUPADUKARA, PONEKKARA ROAD,
EDAPPALLY P.O., ERNAKULAM - 682 024.**
- 4. SURESH K., S/O.T.SANKUNNI NAIR, 49/1295-B,
DEVIKA, CHUTTUPADUKARA, PONEKKARA ROAD,
EDAPPALLY P.O., ERNAKULAM - 682 024.**
- 5. SINDHU SURESH, 49/1295-B, DEVIKA,
CHUTTUPADUKARA, PONEKKARA ROAD,
EDAPPALLY P.O., ERNAKULAM - 682 024.**
- 6. SHEEJU O, S/O.MOHAMMED, SOUHRIDAM,
HOUSE NO.50/70 B, PONEKKARA,
ELAMAKKARA P.O., ERNAKULAM - 682 026.**

WP(C).No. 32947 of 2014 (P)

***ADDL. R7 IMPEADED**

7. A.S.FAZIL, S/O.ABDUL SATHAR SAIT,
RESIDING AT 'DREAM FLOWER',
CHUTTUPADU KARA, EDAPPALLY P.O.,
EDAPPALLY NORTH VILLAGE, ERNAKULAM DISTRICT.

ADDL. R7 IS IMPEADED AS PER ORDER
DATED 06.02.2015 IN IA.1854/2015.

R1 & R2 BY ADV. SRI.K.ANAND
R5 BY ADV. SRI.K.P.HARISH
ADDL. R7 BY ADVS. SMT.S.KARTHIKA
SRI.BINU JOHN
SRI.M.R.ANISON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE WPC.NO.30811/2013.
- EXT.P2: TRUE COPY OF THE JUDGMENT IN WPC NO.30811/2013
DATED 18.12.2013.
- EXT.P3: TRUE COPY OF THE JUDGMENT IN WA NO.534/2014.
- EXT.P3(A): TRUE COPY OF THE ORDER IN IA NO.828/2014 IN WA.NO.534/2014.

RESPONDENT(S)' EXHIBITS:

- EXT.R7(A) : TRUE COPY OF THE SALE DEED NO.269/13.
- EXT.R7(B) : TRUE COPY OF THE BASIC TAX RECEIPT DATED 1.3.2013.
- EXT.R7(C) : TRUE COPY OF CHANGE OF REGISTRY CERTIFICATE DATED 5.4.2013
ISSUED BY THE CORPORATION OF COCHIN.
- EXT.R7(D) : THE TRUE COPY OF RECEIPT FOR PROPERTY TAX REMITTED FOR
THE BUILDING FOR 2013-2014 BEFORE THE CORPORATION OF
COCHIN.
- EXT.R7(E) : TRUE COPY OF THE ABOVE NOTICE DATED 17.1.2015.

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.32947 of 2014

.....
Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner has approached this Court through the present writ petition aggrieved by the action taken by the respondent bank to recover loan amounts that were advanced and in respect of which the petitioner was a guarantor. It is seen from averments in the writ petition that the petitioner had, along with the borrower and the other guarantors, approached this Court on an earlier occasion and by Ext.P2 judgment, they had obtained the facility of payment of the amounts due to the bank in 10 equal monthly instalments commencing from 31.12.2013. When they could not comply with the directions in the said judgment, they approached the Division Bench of this Court through W.A.No.534 of 2014 and the said appeal was disposed by Ext.P3 judgment whereby the period for payment of the amounts was extended by four months from the date of the judgment. Still thereafter, the petitioner approached this Court through a petition for extension of time that was granted by this Court in the writ appeal. As a last chance, the time was extended by a further period of three months from 08.08.2014. In Ext.P3(a) judgment, it was made clear that the extension that was granted therein was as a last chance. In the

present writ petition, the petitioner who was a party in all the earlier writ petitions, has now come forward with a request for further grant of instalments to clear the loan amounts. Going by the conduct of the petitioner of having approached this Court on an earlier occasion and not having complied with the directions issued then, I am of the view that the present writ petition that seeks substantially the same reliefs, as already sought for in the earlier round of litigation, cannot be maintained at the instance of the petitioner.

The writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

