

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 33664 of 2015 (G)

PETITIONER :

- 1. SREEKUMAR S., AGED 47 YEARS, S/O. SATHYADEVAN,
PRAVAVAM, S.N. PURAM, PAVITHRESWARAM P.O.,
PUTHOOR, KOLLAM - 691524.**
- 2. VIJAYARANI. V., AGED 40 YEARS, W/O. SREEKUMAR S.,
PRAVAVAM, S.N. PURAM, PAVITHRESWARAM P.O.,
PUTHOOR, KOLLAM - 691524.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS :

- 1. THE CATHOLIC SYRIAN BANK LTD., KOLLAM BRANCH,
KOLLAM REPRESENTED BY ITS CHIEF MANAGER 691521.**
- 2. THE AUTHORIZED OFFICER (DEPUTY ZONAL MANAGER,
CATHOLIC SYRIAN BANK LTD., S.M.E. BRANCH, T.D. COMPLEX,
CHAMAKKADA, KOLLAM, KOLLAM DISTRICT - 691001**

BY SRI.R.S.KALKURA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF NOTICE DT 31/10/2014 UNDER SECTION 13(2) OF THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 ISSUED BY THE R2 TO THE PETITIONERS.**
- P2: COPY OF POSSESSION NOTICE DT 20/1/2015 UNDER SECTION 13(4) OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 ISSUED BY THE R2 TO THE PETITIONERS.**
- P3: COPY OF THE JUDGMENT DT 24/2/2015 IN WPC NO. 4139/2015 OF THIS HON'BLE COURT.**
- P4: COPY OF THE NOTICE ISSUED TO THE PETITIONERS BY ADVOCATE COMMISSIONER IN CMP NO. 4738/2015 OF THE CHIEF JUDICIAL MAGISTRATE'S COURT, KOLLAM.**

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.33664 of 2015
.....

Dated this the 4th day of November, 2015

J U D G M E N T

The petitioner, who is faced with recovery steps initiated by the respondent bank for recovery of defaulted loan amounts, has approached this Court seeking a direction to the respondent bank to proceed only against such properties of the petitioner as are required to satisfy the debt amount due from the petitioner. In the writ petition, the petitioner prays for a direction to the respondent bank not to proceed against the residential property of the petitioner while pursuing recovery steps for recovery of the defaulted loan amounts. When the matter was taken up for admission, it was noticed that the petitioner had already approached this Court on an earlier occasion when faced with a demand for recovery of the defaulted loan amounts and this Court, by Ext.P3 judgment, had granted the petitioner the facility for payment of the defaulted loan amounts in instalments. It is not in dispute that, the petitioner did not comply with the directions in the said judgment. I am therefore of the view that the petitioner is not entitled to any discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India.

Resultantly, the writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/04.11.15

