

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 33757 of 2015 (T)

PETITIONER :

**ISMAIL FAIZAL ABDUL SAMAD (PROPRIETOR),
S/O. FAIZAL ABDUL SAMAD, AGED 28 YEARS, (M/S. DARON IMPEX)
RESIDING AT 'SMILING' HOUSE, KOTTAYIL KOVILAKAM KARA,
CHENNAMANGALAM P.O., CHENNAMANGALAM VILLAGE,
NORTH PARAVOOR TALUK, ERNAKULAM DISTRICT-683 502.**

**BY ADVS.SRIP.S.SUJETH
SMT.M.R.REENA**

RESPONDENT(S):

- 1. THE CHIEF MANAGER/AUTHORIZED OFFICER ,
INDIAN BANK, ALUVA BRANCH, KAP COMMERCIAL CENTRE,
R.S.ROAD, ALUVA, ERNAKULAM DISTRICT-683 513.**
- 2. THE BRANCH MANAGER,
INDIAN BANK, NORTH PARAVUR BRANCH,
ERNAKULAM DISTRICT-683 513.**

BY SRI.S.EASWARAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 33757 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF THE POSSESSION NOTICE ISSUED BY THE AUTHORIZED OFFICER,
DTD. 11.9.2015.**

**P2 : COPY OF THE STATEMENT AND RECEIPTS SHOWING THE RECENT
REMITTANCE, DTD. 26.6.15 & 14.9.2015.**

**P3 : COPY OF THE STATEMENT OF ACCOUNT SHOWING THE TRANSACTION IN
THE ABOVE LOAN ACCOUNT FROM 1.1.2014 TO 27.12.2014.**

**P4 : COPY OF THE POSSESSION NOTICE PUBLISHED IN MATHRUBHOOMI DAILY,
DTD. 17.9.2015 AS CLAIMED TO HAVE TAKEN POSSESSION ON 11.9.2015.**

ADDL.P5 : COPY OF THE JUDGMENT IN WP(C).NO.17763/2015, DATED 12/06/2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.
=====

W.P.(C). No. 33757 of 2015
=====

Dated this the 12th day of November, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by the steps taken by the respondent bank for recovery of defaulted loan amounts. When the writ petition came up for admission, it was noticed that the petitioner had already approached this Court earlier, when faced with proceedings under Section 13(2) of the SARFAESI Act, and this Court by a judgment dated 12.06.2015 in WP(C) No.17763 of 2015, had granted the petitioner the facility of clearing the entire overdue amount in installments. The recovery steps that were initiated against the petitioner then, were deferred for a period of two months on condition that the petitioner deposited an amount of Rs.2,50,000/- on or before 24.06.2015. It is not in dispute that the petitioner did not comply with the said directions of this Court. In fact, although the petitioner filed an application for enlargement of time to comply with the directions in the judgment, the said application was also dismissed. 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. The Writ petition fails and is accordingly, dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE