

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. 33864 of 2015 (G)

PETITIONER(S):

**S.LATHAMBIKA, W/O.DR.RADHA MOHAN,
KAILAS, EZHUKONE P.O., KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S):

**1.THE AUTHORIZED OFFICER (CHIEF MANAGER),
STATE BANK OF TRAVANCORE, STRESSED ASSETS RESOLUTION
CENTRE, ARPAN TOWERS, KADAPPAKKADA P.O., KOLLAM 691 008.**

**2.THE BRANCH MANAGER, STATE BANK OF TRAVANCORE
MAIN BRANCH, BISHOP JEROME NAGAR, KOLLAM - 691 001.**

**3.THE RECOVERY OFFICER, DEBT RECOVERY TRIBUNAL,
8TH FLOOR, KERALA STATE HOUSING BOARD BUILDINGS,
PANAMPALLY NAGAR, ERNAKULAM - 682 036.**

**4.THE TAX RECOVERY OFFICER, INCOME TAX DEPARTMENT,
NEAR RAILWAY STATION, KOLLAM - 691 001.**

**5.THE TAHASILDAR, TALUK OFFICE, KOTTARAKKARA,
KOTTARAKKARA P.O., KOLLAM - 691 506.**

**6.THE COMMERCIAL TAX OFFICER, KOTTARAKKARA,
KOLLAM - 691 506.**

**7.DR.RADHA MOHAN, S/O.SUKUMARAN, MANAGING PARTNER,
MATHA PHARMA, KAILAS, EZHUKONE P.O., KOLLAM - 691 505.**

**R3 BY ADV.SMT.O.M.SHALINA, CGC
R BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R BY SRI.K.M.V.PANDALAI, INCOME TAX DEPARTMENT
R BY GOVERNMENT PLEADER SMT.LILLY.K.T.
R BY SRI.R.S.KALKURA, SC, SBT**

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

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE TAX RECEIPT DATED 03/08/2015 ISSUED BY THE VILLAGE OFFICER, EZHUKONE TO THE PETITIONER.

EXT.P2: COPY OF THE LICENSE ISSUED BY THE DEPUTY DRUGS CONTROLLER (AYURVEDA), THIRUVANANTHAPURAM DT. 17.11.2015.

EXT.P3: COPY OF THE ANGIOGRAM REPORT OF THE PETITIONER'S HUSBAND ISSUED FROM THE MEDICAL COLLEGE HOSPITAL, KOTTAYAM DT. 6.11.2015.

EXT.P4: COPY OF THE SLIP FOR PAYMENT OF THE AMOUNT DATED 15.9.2011 REMITTED TO THE RESPONDENTS 1 AND 2.

EXT.P5: COPY OF THE NOTICE NO.SARC/KLM/655A DATED 30.01.2012 ISSUED BY THE 1ST RESPONDENT.

EXT.P6: COPY OF THE AWARD DATED 14/02/2015 IN DRC NO.3504 IN O.A.NO.384/2004 OF THE NATIONAL LOK ADALATH, ERNAKULAM.

EXT.P7: COPY OF THE ORDER DATED 04.06.2015 IN I.A.NO.1358/2015 IN O.A.NO.384/2004 OF THE DEBT RECOVERY TRIBUNAL, ERNAKULAM.

EXT.P8: COPY OF THE PROCLAMATION OF SALE AND CONDITION OF TENDER CUM E-AUCTION NOTICE ISSUED BY THE 3RD RESPONDENT DT. 8.9.2015.

EXT.P9: COPY OF THE AUCTION NOTICE ISSUED BY THE 3RD RESPONDENT IN THE LEADING DAILY MATHROBHOO MI DT. 30.10.2015.

EXT.P10: COPY OF THE ENCUMBRANCE CERTIFICATE OBTAINED BY THE PETITIONER IN RESPECT OF THE PROPERTY FROM SUB REGISTRAR, EZHUKONE DATED 25.7.2014.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.33864 OF 2015 (G)

Dated this the 12th day of November, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the steps taken by the respondent bank for recovery of defaulted loan amounts. The pleadings in the writ petition would show that the petitioner and the respondent bank had settled the dispute between them before the National Lok Adalath in DRC No.3504 in O.A.No.384/2004 by agreeing to pay Rs.50,00,000/- in full and final settlement of the issue, the first installment of Rs.20,00,000/- to be paid on or before 20.3.2015 and the second installment of Rs.30,00,000/- to be paid on or before 30.4.2015. A copy of the award is also produced in the writ petition as Ext.P6. It is not in dispute that the petitioner did not comply with the terms of Ext.P6 award. Under the said circumstances, and in view of the decision of a Division Bench of this Court in W.A.No.1138/2015, wherein, this Court took the view that a person who had settled the issue before the Lok Adalath was bound to follow the terms and conditions of the settlement and could not maintain a writ petition challenging the consequential action that is

taken by the respondents pursuant to the breach of the terms of the award of the Lok Adalath, I am of the view that the present writ petition cannot be maintained by the petitioner. Resultantly, the writ petition fails, and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/12/11/15