

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 34414 of 2015 (B)

PETITIONER(S) :

- 1. PRABHA T.S., AGED 60 YEARS,
W/O.SURESH CHANDRA BABU, RESIDING AT "MEDAYIL",
CUTCHERY, KOTTAKKAKOM WARD, KOLLAM- 691 013.**
- 2. HARIKRISHNAN, AGED 34 YEARS,
S/O.SURESH CHANDRA BABU, RESIDING AT "MEDAYIL",
CUTCHERY, KOTTAKKAKOM WARD, KOLLAM- 691 013.**

**BY ADVS.SRI.T.I.UNNIRAJA
SRI.H.BIJU
SRI.S.G.SREEKANTH
SRI.S.BADUSHA**

RESPONDENT(S) :

- 1. KOLLAM CO-OPERATIVE URBAN BANK LTD. NO.960,
KOLLAM- 691 001, REPRESENTED BY ITS CHARIMAN.**
- 2. THE AUTHORISED OFFICER,
KOLLAM CO-OPERATIVE URBAN BANK LTD. NO.960,
KOLLAM- 691 001.**
- 3. BRANCH MANAGER,
KOLLAM CO-OPERATIVE URBAN BANK LTD. NO.960,
THEVALLY BRANCH, KOLLAM- 691 009.**

BY ADV. SMT.D.P.RENU

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE PHOTOSTAT COPY OF THE DEATH CERTIFICATE
DATED 23.08.2013.**

**EXHIBIT P2: A TRUE PHOTOSTAT COPY OF THE RECEIPT OF PAYMENT
DATED 29.05.2014.**

**EXHIBIT P3: A TRUE PHOTOSTAT COPY OF RECEIPT OF PAYMENT
DATED 21.07.2014.**

EXHIBIT P4: A TRUE PHOTOCOPY OF DEMAND NOTICE DATED 15.10.2014.

**EXHIBIT P5: A TRUE PHOTOCOPY OF THE RECEIPT OF PAYMENT
DATED 31.10.2014.**

**EXHIBIT P6: A TRUE PHOTOCOPY OF THE ADVOCATE NOTICE FOR TAKING
PHYSICAL POSSESSION DATED 17.11.2014.**

**EXHIBIT P7: A COPY OF THE JUDGMENT IN W.P(C).NO.32911/2014
DATED 08.12.2014.**

**EXHIBIT P8: A COPY OF STATEMENT OF ACCOUNTS OF THE PETITIONER
DATED 06.01.2015.**

**EXHIBIT P9: A COPY OF THE POSSESSION NOTICE OF ADVOCATE
COMMISSIONER DATED 08.10.2015.**

**EXHIBIT P10: AFFIDAVIT PRODUCED BY RENJISH, SON-IN-LAW OF
THE 1ST PETITIONER IN ORIGINAL.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 34414 of 2015
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Dated this the 13th day of November, 2015

JUDGMENT

The petitioners have approached this Court aggrieved by the steps taken by the respondent bank for recovery of the defaulted loan amounts. When the matter was taken up for admission, it was noticed that the petitioners had approached this Court through WP (C) No.32911 of 2014 when faced with recovery steps initiated by the respondents earlier. On that occasion, by Ext.P7 judgment, this Court had permitted the petitioner to pay the defaulted amounts in six equal monthly installments, the first of it to be paid on or before 30th December, 2014, followed by similar installments, to be effected on or before the last working day of the succeeding months. Counsel for the petitioner would submit that only one installment was paid pursuant to Ext.P7 judgment. Under the said circumstances, I am of the view that the present writ petition seeking similar reliefs, as already prayed for and granted through Ext.P7 judgment, cannot be maintained at the instance of the petitioner 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