

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 34574 of 2015 (V)

PETITIONER :

**K.V. AYYAPAN ASARI, S/O. KUMARAVEL,
PROPRIETOR, KANNAN JEWELLERY,
POST OFFICE JUNCTION, PARASSALA,
RESIDING AT KUMARA RAJA NIVAS PEROOR VILAKOM,
KURUMANNOOR, PARASSALA P.O.,
THIRUVANANTHAPURAM - 695 502.**

BY ADV. SRI.YASH THOMAS MANNULLY

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER/CHIEF MANAGER
(UNDER SARFAESI ACT), STATE BANK OF TRAVANCORE,
PARASSALA - 695 502.**
- 2. DEPUTY GENERAL MANAGER (GENERAL ADMINISTRATION),
STATE BANK OF TRAVANCORE HEAD OFFICE,
THIRUVANANTHAPURAM - 695 001.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE LETTER DT. 28.4.2014 ISSUED BY THE FIRST RESPONDENT.
- P2 - TRUE COPY OF THE JUDGMENT DT. 09.6.2015 IN WPC NO. 15584 OF 2015.
- P3 - TRUE COPY OF THE PAY-IN-SLIP DT. 30.7.2015.
- P4 - TRUE COPY OF THE REPRESENTATION DT. 30.7.2015 GIVEN TO THE FIRST RESPONDENT.
- P5 - TRUE COPY OF THE REPRESENTATION DT. 30.7.2015 GIVEN TO THE SECOND RESPONDENT.
- P6 - TRUE COPY OF THE REPRESENTATION DT. 19.09.2015 GIVEN TO THE SECOND RESPONDENT.
- P7 - TRUE COPY OF THE STATEMENT GIVEN BY THE FIRST RESPONDENT.
- P8 - TRUE COPY OF THE STATEMENT OF ACCOUNT FILED AS ANNEXURE (E) BY RESPONDENTS ALONG WITH COUNTER STATEMENT IN WPC NO. 15584/2015.
- P9 - TRUE COPY OF THE REPRESENTATION DT. 19.10.2015 GIVEN BY THE PETITION TO THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.34574 OF 2015 (V)

Dated this the 17th day of November, 2015

J U D G M E N T

The petitioner is aggrieved by the steps taken by the respondent bank to recover defaulted loan amounts from him.

2. When the matter came up for admission, it was noticed that the petitioner had earlier approached this Court through W.P.(C). No.15584/2015, which was disposed by Ext.P2 judgment, whereby, the petitioner was afforded an opportunity to approach the respondent bank with a request for settlement of liability within a period of one week from the date of receipt of a copy of the judgment. The petitioner was also required to deposit an amount of Rs.5,00,000/- within one month from the said date. The judgment further stipulated that if the petitioner had any further dispute with the respondent bank, he was free to approach the Debt Recovery Tribunal for adjudicating the dispute on liability. Counsel for the petitioner would submit that pursuant to the directions in Ext.P2 judgment, he had deposited the amount of Rs.5,00,000/- and also approached the

respondent bank with a request for settlement of the liability. Although the respondent bank appears to have intimated the petitioner of the possibility of a settlement on payment of an amount of Rs.1,90,472/- on or before 01.10.2015, as seen from Ext.P7 document produced along with the writ petition, counsel for the petitioner would submit that there is a dispute with regard to this figure inasmuch as it appears that there has been a duplication of certain figures that was insisted upon by the respondent bank. Under the said circumstances, I find that the petitioner is actually disputing his liability to the respondent bank. In that event, the petitioner would have to approach the Debt Recovery Tribunal for adjudication of his dispute on liability, since that was the tenor of Ext.P2 judgment passed by this Court.

Resultantly, I dismiss the writ petition without prejudice to the right of the petitioner to approach the Debt Recovery Tribunal as directed in Ext.P2 judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE