

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 34880 of 2015 (H)

PETITIONER(S):

- 1. M/S. BASIL ASSOCIATES,
BASIL ARCADE, NEAR PWD GUEST HOUSE,
TRIPUNITHURA-682 301.**
- 2. BASIL K.VARGHESE, AGED 49 YEARS,
S/O.VARGHESE, BLAYIL HOUSE, KANAYANNOOR,
CHOTTANIKKARA, PIN-682 312.**
- 3. SMT. SELINA BASIL,
W/O. BASIL VARGHESE, BLAYIL HOUSE, KANAYANNOOR,
CHOTTANIKKARA-682 312.**

**BY SRI.S.SREEKUMAR (SENIOR ADVOCATE)
ADVS. SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT(S):

- 1. THE CHIEF MANAGER,
ZONAL OFFICE, STRESSED ASSET MANAGEMENT CELL,
FEDERAL BANK LTD., FEDERAL TOWER, FIRST FLOOR,
MARINE DRIVE, ERNAKULAM-682 031.**
- 2. THE FEDERAL BANK LTD.,
THIRUVAMKULAM BRANCH, PIN-682 305,
REPRESENTED BY ITS MANAGER.**
- 3. THE DEPUTY GENERAL MANAGER (ASSET RECOVERY)
THE FEDERAL BANK LTD., ASSET RECOVERY DEPARTMENT,
FEDERAL TOWERS, ALUVA-683 101.**

**BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 : TRUE COPY OF NOTICE DATED 15.10.2014 ISSUED BY THE BANK TO THE PETITIONER.**
- P2 : TRUE COPY OF BANK STATEMENT OF PETITIONER'S ACCOUNT.**
- P3 : TRUE COPY OF REPRESENTATION DATED 20.12.2014 TO THE 2ND RESPONDENT.**
- P4 : TRUE COPY OF REPRESENTATION DATED 06.04.2015 ISSUED BY THE PETITIONER TO THE RESPONDENTS.**
- P5 : TRUE COPY OF JUDGMENT DATED 27.05.2015 IN W.P.(C).NO.11946 OF 2015 OF THIS HON'BLE COURT.**
- P6 : TRUE COPY OF REPRESENTATION DATED 05.06.2015 SUBMITTED BEFORE THE 3RD RESPONDENT BY PETITIONERS.**
- P7 : TRUE COPY OF PROCEEDINGS DATED 22.06.2015 OF THE 3RD RESPONDENT.**
- P8 : TRUE COPY OF JUDGMENT IN W.P.(C).NO.19961/2015 DATED 04.08.2015 OF THIS HON'BLE COURT.**
- P9 : TRUE COPY OF SHOW CAUSE NOTICE DATED 25.09.2015.**
- P10: TRUE COPY OF LETTER DATED 25.09.2015 ISSUED BY THE KERALA STATE CONSTRUCTION CORPORATION LIMITED.**
- P11: TRUE COPY OF SALE NOTICE DATED 17.10.2015 ISSUED BY THE RESPONDENTS.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.34880 of 2015

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Dated this the 9th day of December, 2015

J U D G M E N T

The petitioner had approached this Court aggrieved by the steps taken by the respondent bank for recovery of defaulted loan amounts. By an interim order dated 24.11.2015, this Court directed that the sale notified under Ext.P11 notice would be deferred on condition that the petitioner paid an amount of Rs.1 crore on or before 08.12.2015. It was also made clear that the deferment of the sale would not stand in the way of the respondent bank accepting tenders pursuant to Ext.P11 notice. When the matter was called up for orders today, it is stated by learned counsel for the petitioner that, the petitioner has not complied with the direction in the interim order dated 24.11.2015 despite his best efforts to raise the money. 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.

Resultantly, the writ petition fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

