

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937**

**WP(C).No. 35229 of 2015 (C)**  
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**PETITIONER(S):**  
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**M.V.USHA, AGED 41 YEARS,  
W/O.M.MANIKANDAN, RESIDING ATY CHETTATHARA,  
PEZHUNGARA, PALAKKAD.**

**BY ADVS.SRI.BINOY VASUDEVAN  
SMT.P.G.BABITHA**

**RESPONDENT(S):**  
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- 1. THE CANARA BANK,  
BIG BAZAR BRANCH, PALAKKAD,  
REPRESENTED BY ITS CHIEF MANAGER, PIN-678101.**
- 2. THE AUTHORIZED OFFICER,  
THE CANARA BANK LTD., BIG BAZAR BRANCH,  
PALAKKAD-678101.**

**BY SRI.V.B.HARI NARAYANAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXT.P-1:        TRUE COPY OF THE APPLICATION SUBMITTED FOR OBTAINING  
MEDICAL CERTIFICATE FOR APPLYING FOR FINANCIAL ASSISTANCE  
FOR TREATMENT**
- EXT.P-2:        TRUE COPY OF THE JUDGMENT DATED 3/5/11 IN WPC.12821/11**
- EXT.P-3:        TRUE COPY OF THE RECEIPTS ISSUED BY THE BANK  
ACKNOWLEDGING PAYMENT OF AMOUNTS.**
- EXT.P-4:        TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT UNDER  
SECTION 13(4) FOR THE SARFASI ACT DATED 14/10/15**
- EXT.P-5:        TRUE COPY OF THE E-AUCTION SALE NOTICE DATED 14/10/15 ISSUED  
BY THE R2.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C).NO.35229 OF 2015 (C)**  
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**Dated this the 21<sup>st</sup> day of November, 2015**

**J U D G M E N T**

The petitioner, who is aggrieved by the steps taken by the respondent bank, for recovery of the defaulted loan amounts, had already approached this Court on an earlier occasion through W.P.(C). No.12821/2011. On that occasion, this Court, by Ext.P2 judgment had granted permission to the petitioner to pay the overdue amount in four equal monthly installments. It is not in dispute that the petitioner did not comply with the directions in Ext.P2 judgment. Under the said circumstances, I am of the view that the petitioner is not entitled to the discretionary relief in these proceedings under Article 226 of the Constitution of India. The writ petition fails, and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR  
JUDGE**

prp/21/11/15