

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. 35286 of 2015 (I)

PETITIONER:

**JAMES C.Y,
CHETHALAN HOUSE,
SITHARA NAGAR, ELANJIPARA P.O.,
THRISSUR.**

BY ADV. SMT.E.V.MOLY

RESPONDENT:

**INDUSIND BANK LTD.,
RAMA BHAVAN, PARUTHELI PALAM,
TOLL JUNCTION, EDAPPALLY, KOCHI,
REPRESENTED BY ITS AUTHORIZED OFFICER.
PIN - 682 017.**

BY SRI.VARGHESE C.KURIAKOSE, SC

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

mbr/

WP(C).No. 35286 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1:- TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE.

EXHIBIT P2:- TRUE COPY OF THE COMPILATION OF THE PAYMENT RECEIPTS.

EXHIBIT P3:- TRUE COPY OF THE DEMAND NOTICE DATED 24-10-2014.

EXHIBIT P4:- TRUE COPY OF THE JUDGMENT IN WPC NO. 10604/2015.

**EXHIBIT P5:- TRUE COPY OF THE NEW PAPER PUBLICATION OF SALE NOTICE IN
INDIAN EXPRESS DAILY DATED 08-11-2015.**

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

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No. 35286 of 2015

Dated this the 21st day of November 2015

JUDGMENT

The petitioner, who had availed financial assistance from the respondent bank and defaulted in repayment of the same, is aggrieved by the steps taken by the respondent bank for putting the secured asset to sale. When this petition was taken up for admission, as a today moving motion, it was noticed that the petitioner had already approached this Court through W.P.(C). No.10604/2015, which was disposed by this Court by Ext.P4 judgment dated 31.03.2015, whereby the petitioner was afforded an opportunity of paying the defaulted loan amounts in instalments. It is not in dispute that the petitioner did not comply with the directions in Ext.P4 judgment. Under the said circumstances, I am of the view that the petitioner cannot seek any discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India.

The writ petition fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/