

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 35485 of 2015 (I)

PETITIONER(S):

- 1. M/S.BECOM INDIA, H.NO.26/1322F,
TELECOM EXCHANGE BUILDING, NEAR ST.JUDE CHURCH,
THEVARA, KOCHI, REPRESENTED BY ITS MANAGING PARTNER,
MOHAMED HARIS.**
- 2. SRI.K.V.MOHAMED HARIS, AGED 47 YEARS,
S/O. K.K.VEERAN, MANAGING PARTNER,
M/S. BECOM INDIA, KOMBANATH, MADAVANA.P.O.,
KODUNGALLUR-680 666**
- 3. SRI.K.V.MEHARUF, AGED 47 YEARS, S/O.K.K.VEERAN,
MANAGING PARTNER, M/S. BECOM INDIA, KOMBANATH,
MADAVANA.P.O., KODUNGALLUR-680 666**

**BY ADVS.SRI.T.K.RADHAKRISHNAN
SMT.S.SREEDEVI(ALP)
SRI.K.J.GLADIS**

RESPONDENT :

**STATE BANK OF TRAVANCORE,
PALARIVATTOM BRANCH, REPRESENTED BY RAJAGOPALAN.T.P.,
ERNAKULAM, KOCHI-682 025.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).NO.35485/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE JUDGMENT IN WP(C).NO.31343/14 DATED 26/11/2014.**
- P2 COPY OF THE JUDGMENT IN WP(C).NO.2690/15 DATED 28/01/2015**
- P3 COPY OF THE SALE NOTICE ISSUED BY THE RESPONDENT BANK.**
- P4 COPY OF THE PAPER PUBLICATION DATED 12/10/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.35485 of 2015

Dated this the 24th day of November 2015

JUDGMENT

The petitioner, who is aggrieved by the steps taken by the respondent bank for realisation of defaulted loan amounts had already approached this Court on two earlier occasions. By Ext.P1 judgment, that was passed by this Court in W.P.(C).No.31343/2014, the petitioner was granted the facility of instalments to pay the defaulted loan amounts. When the petitioner could not comply with the directions in Ext.P1 judgement, they approached this Court , within the currency of the period granted in Ext.P1 judgment, through W.P.(C).2690 of 2015, seeking relaxation of directions in Ext.P1 judgment. Taking note of the plea of financial hardship raised by the petitioner on that occasion, this Court by Ext.P2 judgement, permitted the petitioner to continue with the payments as directed in Ext.P1 judgment, as a condition for stay of the recovery proceedings that were pursued against the petitioner. In the present writ petition, the petitioner does not dispute that there was no compliance with the directions in Ext.P2 judgment either. Under the said circumstances, I am of the view that the petitioner cannot seek any discretionary relief from this Court in this writ

petition under Article 226 of the Constitution of India.

The writ petition therefore fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/