

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. 35529 of 2015 (M)

PETITIONER(S):

**ACCAMMA SCARIA, W/O.SCARIA,
AGED 78 YEARS, KOCHUKUDIYIL HOUSE,
UPPUKANDAM P.O., IDUKKI DISTRICT.**

**BY ADVS.SRI.JOHNSON MANAYANI,
SRI.BENHUR JOSEPH MANAYANI.**

RESPONDENT(S):

- 1. IDUKKI DISTRICT CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS GENERAL MANAGER,
HEAD OFFICE, IDUKKI COLONY P.O.,
IDUKKI-685 602.**
- 2. THE AUTHORISED OFFICER, UNDER SARFAESI ACT,
IDUKKI DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, IDUKKI COLONY P.O., IDUKKI-685 602.**
- 3. THE BRANCH MANAGER,
IDUKKI DISTRICT CO-OPERATIVE BANK LTD.,
KATTAPPANA MAIN BRANCH, KATTAPPANA,
IDUKKI DISTRICT-685 610.**

BY ADV. SRI.P.C.CHACKO, SC.

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

rs.

WP(C).No. 35529 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXT.P1 COPY OF THE JUDGMENT IN WP(C).NO.10073/2015 DATED 27/03/2015
OF THE HON'BLE HIGH COURT OF KERALA.**

**EXT.P2 COPY OF THE DEMAND NOTICE ISSUED UNDER SECTION 13(2)
OF THE SARFAESI ACT BY THE 2ND RESPONDENT DATED 31/07/2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.35529 of 2015

Dated this the 24th day of November 2015

JUDGMENT

The petitioner, who along with her son, had availed a loan from the respondent bank, defaulted in repayment of the same. In the present writ petition, the petitioner is aggrieved by steps taken by the respondent bank for recovery of defaulted loan amounts. When the matter was taken for admission, it was noticed that the petitioner's son had earlier approached this Court through W.P.(C). No.10073/2015, which was disposed by Ext.P1 judgment, granting the petitioner's son, the facility of payment of the defaulted loan amounts in six equal and successive monthly instalments, commencing from 20.04.2015. It is not in dispute that the petitioner's son did not comply with the said direction in Ext.P1 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/