

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38001 of 2015 (A)

PETITIONER(S):

- 1. K. MUKUNDAN,
ELLUVILA PUTHENVEEDU,
ALATHOOR, ANAVOOR P.O.**
- 2. K. SAJITHA, ELLUVILA PUTHENVEEDU,
ALATHOOR , ANAVOOR PO.**

BY ADV. SRI.B.KRISHNA MANI.

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER,
THE NEYYATTINKARA CO-OPERATIVE URBAN BANK LTD. NO.931,
NEYYATTINKARA, THIRUVANANTHAPURAM -695 121.**
- 2. THE BRANCH MANAGER,
THE NEYYATTINKARA CO-OPERATIVE URBAN BANK LTD NO.931,
NEYYATTINKARA, THIRUVANANTHAPURAM 695 121.**

BY ADV. SRI.R.T.PRADEEP.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 38001 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE NOTICE DATED 10.06.2014 UNDER SECTION 13(2) OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT.
- P2- TRUE COPY OF THE JUDGMENT DATED 22.01.2015 IN WP(C) NO.24283 OF 2014 BEFORE THE HONOURABLE HIGH COURT OF KERALA, ERNAKULAM.
- P3- TRUE COPY OF THE ORDER DATED 07.08.2015 IN MC NO.759 OF 2015 BEFORE THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, THIRUVANANTHAPURAM.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No. 38001 of 2015

Dated this the 17th day of December 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts.

When the matter came for admission, it was noticed that against similar steps taken by the respondent bank on an earlier occasion, the petitioner had approached this Court through W.P.(C) No.24283/2014 and by Ext.P2 judgment, this Court had permitted the petitioner to repay the defaulted loan amounts in twelve equal monthly instalments. It is not in dispute that the petitioner has not complied with the said directions of this Court. Under the circumstances, I am of the view that the petitioner is not entitled to the discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India. The writ petition fails and is dismissed.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/