

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. 38299 of 2015 (J)

PETITIONER(S):

**BIJU P.M., S/O.T.N. AYYAPPAN,
THEKKANAL HOUSE, CHINGAVANAM P.O.,
NATTAKOM, KOTTAYAM.**

**BY ADVS.SRI.S.RANJIT (KOTTAYAM),
SRI.GOKUL DAS V.V.H.**

RESPONDENT(S):

- 1. AUTHORIZED OFFICER,
KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
POST BOX NO.140, KOTTAYAM, PIN-686 001.**
- 2. KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS GENERAL MANAGER,
POST BOX NO.140, KOTTAYAM, PIN-686 001.**
- 3. KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS BRANCH MANAGER,
PAKKIL BRANCH, KOTTAYAM, PIN-686 001.**

BY ADV. SRI.SUNIL CYRIAC, SC.

**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. 38299 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE POSSESSION NOTICE DATED 07/01/2014 ISSUED BY
THE 1ST RESPONDENT.
- EXT.P2 COPY OF THE JUDGMENT DATED 07/02/2014 IN WP(C).NO.3552/2014
BEFORE THIS HONOURABLE COURT.
- EXT.P3 COPY OF THE RECEIPTS (4 NOS.) ISSUED BY THE 3RD RESPONDENT.
- EXT.P4 COPY OF THE SALE NOTICE DATED 16/11/2015 BEARING NUMBER
SEC & V/2015-2016 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.38299 of 2015
.....
Dated this the 17th day of December, 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 defaulted loan amounts, had already approached this Court on an earlier occasion when the respondent bank had initiated similar steps in respect of a past default. On that occasion, this Court by Ext.P2 judgment granted the petitioner an opportunity to clear the overdue amount in 4 equal instalments while simultaneously paying the regular monthly instalments to the respondent bank. It is not in dispute that the petitioner did not comply with the directions in Ext.P2 judgment of this Court. Under the said circumstances, I am of the view that, the petitioner cannot aspire for any discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India.

Resultantly, the writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

W.P.(C). No. 38299 of 2015