

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38941 of 2015 (P)

PETITIONER :

**JOSE P.V. @ JOSEPH
S/O. VARGHESE, AGED 54 YEARS
PAINADATH HOUSE, POLINJAPALAM, KARINKULAM KARA
ADIMALY P.O., MANNAMKANDAM VILLAGE
IDUKKI DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S) :

- 1. THE SOUTH INDIAN BANK LIMITED
REPRESENTED BY THE REGIONAL MANAGER,
REGIONAL OFFICE, 1ST FLOOR, KAVIKUNNEL CHAMBERS
T.B. JUNCTION, MUVATTUPUZHA
ERNAKULAM – 686 661.**
- 2. THE AUTHORISED OFFICER
UNDER THE SARFAESI ACT
THE SOUTH INDIAN BANK LIMITED
REGIONAL OFFICE, 1ST FLOOR, KAVIKUNNEL CHAMBERS
T.B. JUNCTION, MUVATTUPUZHA
ERNAKULAM – 686 661.**
- 3. THE BRANCH MANAGER
THE SOUTH INDIAN BANK LTD.,
ADIMALY BRANCH, ADIMALY, IDUKKI DISTRICT-685 586.**

R1 TO R3 BY ADV. SRI.K.K.JOHN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 38941 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 31/3/14 IN
WP(C) NO. 9337 OF 2014.

EXT.P2 COPY OF THE RELEVANT PAGES OF THE PASSBOOK.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.38941 of 2015

Dated this the 22nd 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.9337/2014 and by Ext.P1 judgment, this Court had granted the petitioner the facility of repayment of the defaulted loan amounts in 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/