IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

WP(C) NO. 22410 OF 2024

PETITIONERS:

1 **GOPALAKRISHNAN.T.P.,**
AGED 64 YEARS
S/O. PAGAN, THOTTINGAL VEEDU, THIRUVADI, AYYAPPANKUNNU, PUDUCODE, PALAKKAD DISTRICT, PIN - 678687

2 **GOPESH.G.,**
AGED 57 YEARS
THOTTINGAL VEEDU, THIRUVADI, AYYAPPANKUNNU, PUDUCODE, PALAKKAD DISTRICT., PIN - 678867

3 **PREMA.G.**
AGED 50 YEARS
THOTTINGAL VEEDU, THIRUVADI, AYYAPPANKUNNU, PUDUCODE, PALAKKAD DISTRICT, PIN - 678687

BY ADV C.K.RAMAKRISHNAN

RESPONDENT:

THE MANAGER, AADHAR HOUSING FINANCE LIMITED, KUNNATHOORMEDU, KALMANDAPAM, PALAKKAD DISTRICT. -, PIN - 678013

BY ADVS.
A.SURESH
SHINTO MATHEW ABRAHAM(K/977/2018)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The present writ petition has been filed with the following prayers:

> *"(i) Issue a writ of mandamus or any appropriate writ, order or direction commanding the 1st respondent to grant fresh Registration Certificate as sought for in Ext. P-2 application within the shortest possible time which may be fixed by this Hon'ble court;*
>
> *(ii) Grant such other reliefs as this Hon'ble Court deems fit and proper;*
>
> *(iii) Dispense with the translation of the documents produced in the Vernacular Language."*

2. This is the 2nd writ petition for identical/similar prayers. The petitioner has approached this Court earlier by filing WP(C) No.32288/2023. This Court considering the submissions advanced on behalf of the petitioner and the respondent Bank had disposed of the said writ petition with following terms:

> *" In the above circumstances, the Writ Petition is disposed of with the following directions:-*

(i) Respondent Bank is directed to regularize the loan account by accepting repayment of the entire overdue amount of Rs.1,43,966/- along with Bank charges from the petitioner.

(ii) The petitioner shall remit the overdue amount of Rs.1,43,966/- together with any accrued interest and charges in eight equal monthly instalments.

(iii) The first instalment shall be paid on or before 30.10.2023 and the subsequent instalments shall be paid on the last working day of every succeeding month. OF RALA

(iv) The petitioner shall continue to pay the regular EMIs in terms of the contract.

(v) In the event of default of any one instalment, the respondent Bank is entitled to proceed in accordance with law.

(vi) The proceedings initiated under the SARFAESI Act against the petitioner shall be kept in abeyance to facilitate repayment as stated above."

3. Instead of complying with directions in the aforesaid judgment in WP(C) No.32288/2023, the petitioner had approached this Court again in the present writ petition. Initially,

this Court granted indulgence to the petitioner vide order dated 24.06.2024 and directed the petitioner to remit an amount of Rs.1.5 lakhs, within a period of three weeks from the date of the order and subject to the payment of Rs.1.5 lakhs, the coercive proceedings against the petitioner were ordered to be defaulted with.

4. The petitioner did not comply with the aforesaid order on the next date of posting of this petition, i.e. on 17.7.2024, this Court has passed the following order:

> "*The counsel for the petitioners submitted that because of the severe financial crunch and stringencies faced by the petitioners, they could not comply with the interim order dated 24.06.2024. Hence, the learned counsel seeks two weeks more time to comply with the interim order.*
>
> *Post on 02.08.2024 to enable the petitioners to comply with the interim order. In case of failure to comply with the interim order within the extended time period, the writ petition shall be dismissed on the next date of posting."*

5. Despite the specific categorical order in case of failure to comply with the interim order dated 24.06.2024, the writ petition shall be dismissed on the next posting date, the petitioner has not complied with the said interim order even within the extended time granted by this Court in its order dated

17.07.2024.

6. The second writ petition for the same cause of action is otherwise not maintainable and the petitioner has not complied with the interim order dated 24.06.2024 despite within the extended time also.

In view thereof, this Court finds no ground to keep this writ petition pending on the files of this Court and therefore this Writ Petition is dismissed leaving it open to the petitioner to work out his remedy as may be advised.

Sd/- DINESH KUMAR SINGH,
JUDGE

lsn

APPENDIX OF WP(C) 22410/2024

PETITIONER EXHIBITS

Exhibit.P1	**THE TRUE COPY OF THE WRIT PETITION NO.32288/2023**
Exhibit.P2	**THE TRUE COPY OF THE JUDGMENT DATED 03.10.2023 IN WRIT PETITION NO.32288/2023**
Exhibit.P3	**THE TRUE COPY OF THE STATEMENT OF ACCOUNTS DURING THE YEAR 2018 TO 2019 DATED 28.07.2018**
Exhibit.P4	**THE TRUE COPY OF THE STATEMENT OF ACCOUNTS DURING THE YEAR 2020 TO 2023 DATED 24.11.2023**
Exhibit.P5	**THE TRUE COPY OF THE UN DATED...../JUNE/2024 NOTICE WHICH WAS RECIEVED BY THE 1ST PETITIONER ON 15/06/2024 FROM THE ADVOCATE COMMISSIONER.**

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

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