

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 31ST DAY OF AUGUST 2016/9TH BHADRA, 1938

WP(C).No. 28959 of 2016 (T)

PETITIONER(S) :

REENA P., W/O.SHAJI PLASIUSE,
'ARAYANTAZHIKATTU VEEDU, KUMBALAM P.O,
MULAVANA, PERAYAM, KOLLAM 691 003.

BY ADVS.SRI.SHERRY J. THOMAS
SRI.ARUN ALEX

RESPONDENT(S) :

1. STATE BANK OF INDIA,,
REPRESENTED BY ITS BRANCH MANAGER,
SPECIALISED NRI BRANCH, PMP COMPLEX,
POLAYATHODE, KOLLAM.
2. THE AUTHORISED OFFICER,
STATE BANK OF INDIA, RAMSEC,
IIND FLOOR, RAVI'S ARCADE,
NEAR IRON BRIDGE, KOLLAM.

BY SRI.R.S.KALKURA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-08-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PJ

WP(C).No. 28959 of 2016 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1 THE TRUE COPY OF THE JUDGMENT DATED 21.11.15 IN WPC
35197/2015

EXHIBIT-P2 THE TRUE BANK STATEMENT DATED 16.8.16 FROM 16.1.16
TO 2.8.16 OF THE PETITIONER

EXHIBIT-P3 THE TRUE COPY OF THE NOTICE DATED 10.8.16 FROM THE
ADVOCATE COMMISSIONER.

RESPONDENT(S) ' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.M.SHAFFIQUE, J.

W.P.(C).No.28959 of 2016

Dated this the 31st day of August, 2016

J U D G M E N T

The petitioner has approached this Court challenging the action initiated by the respondent Bank to take possession of the secured asset by Ext.P3 notice issued by the Advocate Commissioner.

2. The petitioner had earlier approached this Court by filing W.P.(C).No.35197/2015. Even at that stage, possession of the property was taken over by the Bank. However, this Court permitted the petitioner to pay the overdue amount of ₹1,76,000/- in three equal monthly instalments and continue to pay the regular instalments. According to the petitioner, the overdue amount has been paid though not within the time as stipulated and the petitioner requires some more time to regularise the loan account. In the meantime, the petitioner is faced with notice issued by the Advocate Commissioner.

3. The learned Standing Counsel appearing for the respondent Bank submits that the petitioner was permitted to repossess the secured asset only on payment of ₹1,76,000/-. However, without complying with the same, the petitioner broke open the lock and had forcibly entered into the property. The petitioner again had to approach the Chief Judicial Magistrate and by virtue of the orders

passed by the Magistrate, Ext.P3 notice had been issued.

4. Having regard to the fact that the petitioner had not complied with the directions issued by this Court as per judgment in W.P.(C).No.35197/2015, I don't think that this Court will be justified in granting the petitioner further time. That apart, the Bank had already proceeded to take possession of the premises through Advocate Commissioner, since the petitioner had forcibly repossessed the property.

In the light of the aforesaid factual situation, I don't think that the petitioner is entitled for any relief in the present writ petition. This writ petition is, therefore, dismissed.

Sd/-

A.M.SHAFFIQUE, JUDGE.

AV