

Manoj Kumar , vs Canara Bank,

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Court : Kerala

Decided On : Jul-31-2023

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : WP(C)/2834/2023

Appellant : Manoj Kumar ,

Respondent : Canara Bank,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945 PETITIONER: MANOJ KUMAR, AGED 60 YEARS S/O VILSON, CHERIYA CHANASSERY HOUSE, CHERIYA PALLAM THURUTH ROAD, THEKKUMPURAM, KARIMPADAM, CHENDAMANGALAM PO, PIN 683512. ERNAKULAM DISTRICT. BY ADVS.ANOOP KRISHNA V.A.PRADEEP KUMAR T.V.DEVARAJ RESPONDENTS: 1 CANARA BANK, REP ITS REGIONAL MANAGER, REGIONAL OFFICE ERNAKULAM, ERNAKULAM DISTRICT, PIN - 683513 2 AUTHORISED OFFICER, CANARA BANK, NORTH PARAVU BRANCH, NEAR LAKSHI COLLEGE, NORTH PARAVUR PO, ERNAKULAM, PIN - 683513 3 THE

BRANCH MANAGER, CANARA BANK, NORTH PARAVUR BRANCH, NEAR LAKSHIM COLLEGE, NORTH PARVUR, ERNAKULAM, PIN - 683513 BY ADV M.GOPIKRISHNAN NAMBIAR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :: 2 ::

JUDGMENT

Dated this the 31st day of July 2023 The writ petition is filed to direct the respondents to permit the petitioner to pay off the overdue amount in instalments and regularise the loan account.

2. This Court by order dated 27.1.2023 has stayed further proceedings subject to the condition that the petitioner remits an amount of Rs.75,000/- within one month.

3. Heard; Sri.Anoop Krishna, the learned counsel appearing for the petitioner and Sri.Gopikrishnan Nambiar, the learned counsel appearing for the respondents.

4. Sri.Gopikrishnan Nambiar, on instructions, submitted that the petitioner has failed to comply with the interim order dated 27.1.2023. Therefore, the respondents are not willing to extend any instalment :: 3 :: facility to the petitioner. Petitioner may be relegated to exhaust his statutory remedy.

5. The Honble Supreme Court in South Indian Bank Ltd vs. Naveen Mathew Philip [2023 LiveLaw (SC) 320], after adverting to a myriad of earlier judicial

pronouncements rendered under the Act, has categorically declared that High Courts shall not, unless in extra ordinary circumstances, interfere with proceedings initiated under the Act, in writ proceedings under Article 226 of the Constitution of India.

6. Having considered the pleadings and materials on record and taking note of the fact that the

petitioner has not complied with the interim order

dated 27.1.2023 passed by this Court, I am not inclined to entertain the writ petition by exercising the plenary powers of this Court under Article 226 of the Constitution of India. Nonetheless, it will be up to the petitioner to work out his statutory remedies.

:: 4 :: Resultantly, the writ petition is dismissed, without prejudice to the right of the petitioner to work out his remedies, in accordance with law. sd/- C.S.DIAS JUDGE
jes :: 5 :: APPENDIX PETITIONERS EXHIBITS: Exhibit P1 TRUE COPY OF THE POSSESSION NOTICE DATED 04.08.2022 Exhibit P2 TRUE COPY OF THE NOTICE DATED 22.12.2022 Exhibit P3 TRUE COPY OF THE REPRESENTATION FOR ONE TIME SETTLEMENT AND ALSO SEEKING TO PAY THE DUE AMOUNT WITH IN 20 MONTHLY INSTALMENTS

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