

Sathish. P.S vs Housing Development Finance Corporation Limited, Now Renamed as Hdfc Bank Ltd.

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Court : Kerala

Decided On : Aug-02-2023

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : WP(C)/24750/2023

Appellant : Sathish. P.S

Respondent : Housing Development Finance Corporation Limited, Now Renamed as Hdfc Bank Ltd.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS WEDNESDAY,
THE 2ND DAY OF AUGUST 2023 / 11TH SRAVANA, 1945 WP(C) NO.
24750 OF 2023 PETITIONER: SATHISH. P.S AGED 52 YEARS S/O.
SIVARAMAN, ARUNIMA MANSION, AISWARYA NAGAR, VALLIKAVU
ROAD, IRUMPANAM P.O, THRIPIUNITHURA, KOCHI, PIN - 682309 BY
ADVS. K.B.ARUNKUMAR POOJA K.S. RESPONDENTS:

1 HOUSING DEVELOPMENT FINANCE CORPORATION LIMITED, NOW RENAMED AS HDFC BANK LTD. REPRESENTED BY ITS MANAGER. PADIVATTAM BRANCH, PALARIVATTOM, ERNAKULAM, PIN - 682024 2 THE AUTHORISED OFFICER HOUSING DEVELOPMENT FINANCE CORPORATION LIMITED, NOW RENAMED AS HDFC BANK LTD. HDFC HOUSE, POST BAG NO. 1667, RAVIPURAM JUNCTION, M.G. ROAD, ERNAKULAM, PIN - 682015 BY ADVS. AMBILY S RUPA R. NAIR(K/001021/2023) RUBAN JOE TONIYO(K/002926/2022) K.K.CHANDRAN PILLAI (SR.)(C-41) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

02.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:- Dated this the 2nd day of August,2023

JUDGMENT

The writ petition is filed to direct the respondents to permit the petitioner to pay off the outstanding amount in 15 equated monthly instalments and close the loan account.

2. When the writ petition came up for consideration on 27.07.2023, this Court passed a conditional interim order of stay, directing the petitioner to deposit an amount of Rs.10,00,000/- on or before 31.07.2023.

3. Heard; Sri.K.B.Arunkumar, the learned counsel appearing for the petitioner and Smt.S.Ambily, the learned counsel appearing for the respondents.

4. Smt.S.Ambily, on instructions, submitted that

the petitioner has not complied with the interim order

dated 27.07.2023. -:3:-

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 Securitisation and Reconstruction of Financial Assets and Enforcement of

Security Interest Act, 2002(in short,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 the

petitioner has not complied with the interim order

dated 27.07.2023 passed by this Court, I do not find any extra-ordinary circumstances to entertain the writ petition under Article 226 of the Constitution of India Nonetheless, it would be up to the petitioner to work

-:4:- out his remedies, in accordance with law. 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 DST/02.08.23 //True copy// P.A.To

Judge -:5:- APPENDIX PETITIONER EXHIBITS EXHIBIT P-1 THE TRUE COPY OF THE NOTICE DATED 07.07.2022 ISSUED BY THE 2ND RESPONDENT TO PETITIONER EXHIBIT P-2 THE TRUE COPY OF THE NOTICE DATED 20.02.2023 ISSUED BY THE ADVOCATE COMMISSIONER TO THE PETITIONER EXHIBIT P- 3 THE TRUE COPY OF THE REPRESENTATION DATED 20.07.2023 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT RESPONDENTS EXHIBITS: NIL

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