



2025:KER:30945

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 8200 OF 2025

PETITIONER:

LAL K.S.,
AGED 61 YEARS
S/O. K.M. SCARIA, KAVANATHOTTATHIL, OORAMANA P.O.,
RAMAMANGALAM, ERNAKULAM, PIN - 686663

BY ADVS.
DILISH JOHN
K.R.SAJITH
RESHMA MOHAN

RESPONDENT:

THE AUTHORIZED OFFICER, FEDERAL BANK LTD., ERNAKULAM
DIVISION,
LCRD/ ERNAKULAM DIVISION, GROUND FLOOR, FEDERAL TOWERS,
MARINE DRIVE, KOCHI, PIN - 682031

BY ADVS.
P.PAULCHAN ANTONY P
SREEJITH K.(K/380/2005)

OTHER PRESENT:

SRI. P.PAULCHAN ANTONY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner has approached this Court challenging the proceedings initiated against the petitioner under the provisions of the SARFAESI Act to recover amounts due under credit facilities availed by the petitioner from the respondent bank. Considering the submissions made by the counsel for the petitioner and the learned counsel for the respondent bank, this Court on 03.03.2025 passed the following order:

"Post on 20-03-2025. The learned counsel for the respondent bank to file a statement. There will be an interim order directing that all further steps under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) shall remain suspended till 20.03.2025 on condition that the petitioner remits a sum of Rs.1 Crore towards the loan liability within a period of ten days from today."

2. The learned counsel appearing for the respondent bank submits that despite two extensions granted by this Court, the petitioner has not paid any amounts towards the loan liability. It is also pointed out that in the order dated 27.03.2025, this Court directed as follows:

"The learned counsel appearing for the petitioner submits that the amount directed to be paid in terms of the Interim Order dated 03.03.2025 will be paid by 07.04.2025. It is made clear that if the amount mentioned in the interim order is not paid by 07.04.2025, this writ petition will be dismissed on the ground that the petitioner has not demonstrated bonafides."



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This Court exercises limited jurisdiction in the matters arising under the SARFAESI Act where borrowers have not shown *bona fides* by remitting any amount that may be directed to be paid as a condition for interim order, no relief can be granted in exercise of the jurisdiction under Article 226 of the Constitution of India.

This Writ Petition fails and is accordingly dismissed.

sd/-

GOPINATH P.

JUDGE

Nsd



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APPENDIX OF WP(C) 8200/2025

PETITIONER EXHIBITS

EXHIBIT P1

**TRUE COPY OF THE ADVOCATE COMMISSION NOTICE
DATED 04.02.2025**