



2025:KER:30476

W.P (C) No.11365/2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP(C) NO. 11365 OF 2025

PETITIONER/S:

RAKESH RAJ.M.N,
AGED 36 YEARS
S/O NAGARAJ, MUTTATHILPARAMBIL HOUSE, KARINGAMTHURUTH,
KONGORPILLY, KOONAMMAVU, ERNAKULAM, PIN - 683518

BY ADVS.
S.SUNIL KUMAR (PALAKKAD)
LEKSHMI S.SEKHER
K.J.SUNIL
BABU SALIH
T.V.AATHIRA
K.P.ARUN

RESPONDENT/S:

1 UNION BANK OF INDIA,
ASSET RECOVERY BRANCH, UNION BANK BHAVAN, M.G.ROAD,
ERNAKULAM, REPRESENTED BY ITS AUTHORISED OFFICER, PIN -
682016

2 BRANCH MANAGER,
UNION BANK OF INDIA, VARAPPUZHA BRANCH, THENOMKODATH
BUILDING, PUTHANPALLY, VARAPPUZHA, ERNAKULAM, PIN -
683517

BY ADVS.
ASP.KURUP
SADCHITH.P.KURUP(K/1419/2002)
C.P.ANIL RAJ(K/872/2007)
SIVA SURESH(K/2688/2022)
B.SREEDEVI(K/169/2024)
ATHIRA VIJAYAN(K/199/2024)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J U D G M E N T**

Petitioner has approached this Court challenging proceedings initiated under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act) to recover the amounts due under credit facilities availed by the petitioner from the respondent bank. After hearing the learned counsel for the petitioner, this court on 20-03-2025 passed the following order:-

“Learned counsel for the respondent bank seeks time to get instructions. Post on 01-04-2025. Though the learned counsel for the petitioner submits that the petitioner will remit a substantial amount towards the overdue amount of Rs.5,73,450/- before the date fixed for sale (27-03-2025). Taking into consideration of the above submission of the learned counsel for the petitioner, it is directed that any sale pursuant to Ext.P1 notice on 27-03-2024 shall not be confirmed till 01-04-2025 on condition that the petitioner remits Rs.2,50,000/- towards the loan liability by 5 p.m on 26-03-2025. The taking of physical possession shall also stand adjourned subject to the payment of the above by 5 p.m on 26-03-2025.”

2. When the matter is taken up for consideration today, it is the submission of the learned counsel for the respondent bank that the petitioner has remitted only Rs.80,000/- pursuant to the interim order dated 20-03-2025.



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3. This court exercises very limited jurisdiction in matters arising under the SARFAESI Act and since the petitioner has failed to show *bona fides* by complying with the condition imposed in the interim order dated 20-03-2025, I am of the view that the petitioner is not entitled to any relief under Article 226 of the Constitution of India. This writ petition fails and it is accordingly dismissed.

Sd/-
GOPINATH P.
JUDGE

AMG



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APPENDIX OF WP(C) 11365/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE NOTICE OF SALE DATED 17.02.2025 ISSUED BY THE RESPONDENT NO-1
Exhibit P2	TRUE COPY OF THE NOTICE ISSUED BY ADVOCATE COMMISSIONER IN MC NO-1289/2024 OF THE HONBLE SPECIAL ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT (FOR THE TRIAL OF CRIMINAL CASES AGAINST MP'S AND MLAS OF KERALA) AT ERNAKULAM DATED 10.03.2025
Exhibit P3	TRUE COPY OF THE JUDGMENT IN WPC NO-9477/2024 OF HONBLE HIGH COURT OF KERALA DATED 18.03.2024