

Kerala High Court

P.V. Thampy vs South Indian Bank Ltd on 24 March, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

RP.No. 278 of 2009()

1. P.V. THAMPY,
... Petitioner

Vs

1. SOUTH INDIAN BANK LTD.,
... Respondent

2. DEBTS RECOVERY OFFICER,

3. P.V. JUNJAPPAN,

4. P.V. CHUMMAR,

5. V.G. DIVAKARAN,

6. J. JULIUS SMITH,

For Petitioner :SRI.E.D.GEORGE

For Respondent : No Appearance

The Hon'ble MR. Justice THOTTATHIL B.RADHAKRISHNAN

Dated :24/03/2009

O R D E R

THOTTATHIL B RADHAKRISHNAN, J

.....
R.P.NO. 278 OF 2009
in WP(C) 36022 of 2008
.....

DATED THIS THE 24TH DAY OF MARCH, 2009

ORDER

Heard. The writ petition was filed in relation to a banking transaction. The sale was set aside at the instance of the petitioner, in view of certain deposits made. He was to pay further amount of Rs.6,00,000/- in a time bound manner and further amounts that bank may fix. The bank was permitted to continue to hold charge over the properties over which security interest was noted. The petitioner wants that condition to be vacated evidently to enable him to go for private sale. This is clearly impermissible. Not only that even if the petitioner has a party for private sale, it is for him to work out that remedy with the junction of the bank and pay the amounts to the bank and clear the documents for finalising the deal. I do not find any ground to review the judgment on the ground of any error apparent on the face of record or on any other ground for repayment. The review petition fails and the same is accordingly dismissed without prejudice to the right of the petitioner to move for enlargement of time, if necessary.

THOTTATHIL B RADHAKRISHNAN, JUDGE lgk/25/3