

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIFIQUE

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Con.Case(C).No. 251 of 2015 (S) IN OP (DRT).1/2015

AGAINST THE JUDGMENT IN OP (DRT) 1/2015 of HIGH COURT OF
KERALA DATED 19-01-2015

PETITIONER(S) :

SHINIL ABRAHAM, AGED 39 YEARS
S/O.ABRAHAM, PYNATTU HOUSE, VENMANY
MAMALA P.O., ERNAKULAM.

BY ADV. SRI.P.V.GEORGE (PUTHIYIDAM)

RESPONDENT(S) :

HARISH C.S.
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
AUTHORIZED OFFICER AND CHIEF MANAGER,
FEDERAL BANK
ASSET RECOVERY BRANCH, S.H MOUNT P.O.,
KOTTAYAM 686006

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME
UP FOR ADMISSION ON 23-02-2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

A.M. SHAFFIQUE, J.

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Cont. Case (C) No. 251 of 2015
.....

Dated : 23 - 02 - 2015

JUDGMENT

This Contempt Petition has been filed, inter alia, stating that sale notice has been issued despite the fact that the time granted by this Court has not expired. In fact, the petitioner was granted time to settle the entire liability by 20-5-2015. Petitioner had the obligation to pay 25% of the outstanding liability within one month which had already been expired on 19-2-2015. Even according to the petitioner, no payment has been effected, as directed.

Annexure A2 notice had been issued on 3-2-2015 wherein it is stated that if the amounts are not paid, the property will be

sold on 23-3-2015. Issuance of Annexure A2 by itself will not amount to willful contempt as the petitioner had all the opportunity to repay the amount. It is already indicated by this Court that, if there is default in payment of instalment, the Bank will be entitled to proceed further. Mere issuance of notice posting the sale on 23-3-2015 by itself will not amount to willful contempt. Accordingly, this Contempt Petition is closed.

**Sd/- A.M. SHAFFIQUE
(Judge)**

ani/

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P.S. to Judge