

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WA.No. 275 of 2015 IN WP(C).25833/2014

AGAINST THE JUDGMENT IN WP(C) 25833/2014 DATED 19-11-2014

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APPELLANT/PETITIONER :

SURESH KUMAR, AGED 48 YEARS
S/O.BHARATHAN, THIRUVATHIRA, T.C.66/671(1)
WEST PONKULAM, NEAR CGO COMPLEX, VELLAYANI P.O.
THIRUVANANTHAPURAM-695 522.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS/RESPONDENTS :

1. AUTHORISED OFFICER & DEPUTY ZONAL MANAGER (OPERATIONS)
THE CATHOLIC SYRIAN BANK LTD., ZONAL OFFICE
MALANKARA BUILDING, 1ST FLOOR, UNIVERSITY CAMPUS
PALAYAM, THIRUVANANTHAPURAM-34.
2. CHIEF MANAGER
THE CATHOLIC SYRIAN BANK LTD., KOWDIAR BRANCH
T.C.5-1922-2, VAISHNAVAM, TEMPLE ROAD
AMBALAMUKKU JUNCTION, KOWDIAR P.O.
THIRUVANANTHAPURAM-695 003.

R1 & R2 BY ADV. SRI.K.ANAND (SR.)
R1 & R2 BY ADV. SMT.LATHA KRISHNAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 13-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA.No. 275 of 2015

APPENDIX

APPELLANT'S EXHIBITS :

ANNEXURE I : TRUE COPY OF THE LETTER DATED 12.01.2015 WITH AUCTION
SALE NOTICE DATED 12.01.2015 ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.A. No. 275 OF 2015

Dated this the 13th day of February, 2015

JUDGMENT

Shaffique, J.

This appeal is filed against the judgment dated 19.11.2014 in W.P.(C) No.25833 of 2014.

2. The writ petition is filed by the petitioner/appellant, challenging the proceedings taken by the respondent Bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002(SARFAESI Act). The learned Single Judge disposed of the writ petition when the petitioner made an offer to pay the amount and the petitioner was permitted to discharge the entire liability in five equal monthly instalments starting from 15.12.2014. The further direction was that if the petitioner pays the amount as directed, further proceedings shall be kept in abeyance. It was also made clear that if any default is committed, the respondent Bank will be at liberty to proceed further.

2. It is submitted by learned counsel for the appellant that the appellant was unable to remit the instalments. But since he was permitted to arrange private sale of the property, he has already identified a purchaser, but the entire payment will be received only by 31.03.2015 and until such time, he should not be dispossessed from the property.

3. Learned counsel for the Bank submits that despite the directions issued by the learned Single Judge, no payment had been effected. The Bank has already took symbolic possession of the property and notice has been published for sale of property. Unless the petitioner is dispossessed, the Bank will not be in a position to put the property for sale on 18.02.2015.

Having heard learned counsel for the appellant as well as learned counsel for the Bank, we do not think that any modification is required to be made to the judgment of learned Single Judge, as sufficient time has been granted to the appellant. It is always open for the appellant to approach the Bank to settle the account. But this Court cannot interfere in the matter, as the Bank is entitled to proceed for sale of property in

accordance with the procedure prescribed. Accordingly, the Writ Appeal is dismissed as there is no good ground for interference.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**