

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WA.No. 1534 of 2015 () IN WP(C).7736/2015

AGAINST THE JUDGMENT IN WP(C) 7736/2015 DATED 19-03-2015

APPELLANT(S)/WRIT PETITIONER :-

JAFFER SADDIQUE, S/O.P.M.ISMALE,
PUTHENPURAYIL HOUSE, THALAYOLAPARAMBU P.O.,
KOTTAYAM - 686 605.

BY ADV. SMT.E.V.MOLY

RESPONDENT(S)/RESPONDENT :-

STATE BANK OF INDIA, REGIONAL BUSINESS OFFICE,
KOTTAYAM, RASMECC KOTTAYAM, 1ST FLOOR,
OPP BCM COLLEGE, PIN - 686 001
REP. BY ITS AUTHORIZED OFFICER.

BY SMT.S.AMBILY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WA.NO.1534 OF 2015

APPENDIX

APPELLANT'S EXHIBITS :-

ANNEXURE A1 :- TRUE EXTRACT OF THE NOTICE DATED 6.11.2014
ISSUED U/S 13(2) OF SARFAESI ACT.

ANNEXURE A2 :- TRUE COPY OF THE NOTICE DATED 26.5.2015
ISSUED BY ADV.COMMISSIONER IN CMP 835/2014 APPOINTED BY CJM
COURT, KTM.

ANNEXURE A3 :- TRUE COPY OF THE LOAN A/C. STATEMENT FROM
1.2.2015 TO 18.2.2015.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.A. No.1534 of 2015

Dated this the 27th day of July 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the appellant as well as Sri.K.K.Chandran Pillai, the learned Senior Counsel appearing for the respondent Bank.

2. This writ appeal has been filed against the judgment dated 19.3.2015 in W.P.(C) No.7736 of 2015. The writ petition was filed by the petitioner aggrieved by the recovery proceedings initiated by the Bank under SARFAESI Act, 2002. The petitioner in the writ petition sought for a direction to the respondent to provide instalment facility to clear off the entire liability. The learned Single Judge disposed of the writ petition permitting the petitioner to deposit the entire outstanding amount in seven equal and successive instalments commencing from 30.3.2015. It was further directed that in case, if the petitioner commits default, he will lose the benefit of the judgment. Admittedly, the petitioner had not complied with the order of the court. The petitioner has also filed an application before the Debt Recovery Tribunal, which is said to be pending.

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3. We do not find any error in the judgment of the learned Single Judge in granting instalment facility as per the contention urged by the petitioner. In the judgment, it is also directed that in any event, if the petitioner commits any default, the benefit of the judgment shall automatically come to an end. In view of the fact that the petitioner committed default, the benefit has already come to an end. However, since the petitioner has already filed an application before the Debt Recovery Tribunal, it shall be open for him to pursue the matter before the Debt Recovery Tribunal.

Accordingly, this writ appeal is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt