

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WA.No. 2353 of 2015 IN WP(C).27378/2015

AGAINST THE JUDGMENT IN WP(C) 27378/2015 DATED 28-09-2015

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APPELLANT/PETITIONER :

N.M.HADIL,
MELAPPU HOUSE, N.M.HUSSAIN HAJI ROAD, KARASSERY.P.O
MUKKAM, KOZHIKODE-673 602.

BY ADV. SRI.T.RAJESH

RESPONDENTS/RESPONDENTS :

1. THE AUTHORISED OFFICER,
FEDERAL BANK LTD, ZONAL OFFICE, FEDERAL TOWER
MAVOOR ROAD, KOZHIKODE - 673 016.
2. FEDERAL BANK LTD,
KOZHIKODE ZONAL OFFICE, FEDERAL BANK TOWER
MAVOOR ROAD
REPRESENTED BY ITS ASSISTANT GENERAL MANAGER - 673 016

R BY SRI.MOHAN JACOB GEORGE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.A. No. 2353 of 2015

Dated this the 29th day of October, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard. This writ appeal has been filed against the judgment in Writ Petition No.27378 of 2015 dated 28.9.2015, by which judgment the learned single Judge permitted the petitioner to deposit total outstanding amount of Rs.74,11,500/- in ten equal and successive installments commencing from 15.10.2015. Aggrieved by the said order, the petitioner has come up in appeal.

Learned counsel for the appellant submits that the Bank is claiming amount with reference to both secured and unsecured loans. He submits that he can be asked only to pay the amount pertaining to secured loan. The Bank has initiated proceeding under SARFAESI Act 2002 and which proceedings have been taken upto the stage of taking up possession, which clearly means that bank has invoked section 13(4) of the SARFAESI Act, 2002. If the petitioner has any grievance

regarding any figures or amount demanded, the remedy available to the petitioner is to file an application under section 17 of the 2002 Act. We do not find any error in the judgment of learned Single Judge, which was passed on the consent of the petitioner himself.

This writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

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