

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

W.P.(C).No. 1159 of 2015 (T)

PETITIONER :

**JOSE MELADATH,
MELADATH HOUSE,
KUREEKAD P.O,
ERNAKULAM - 682 305**

BY ADV. SMT.E.V.MOLY

RESPONDENT :

**THE SOUTH INDIAN BANK LTD.
REGIONAL OFFICE, ERNAKULAM, SIB BUILDING,
INFO PARK ROAD, RAJAGIRI VALLEY P.O.,
KAKKANAD - 682 039
REPRESENTED BY ITS AUTHORIZED OFFICER**

R BY SRI. K.K. JOHN,SC,SOUTH INDIAN BANK

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bpr

WP(C).No. 1159 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS

**EXT. P1 THE TRUE COPY OF THE POSSESSION NOTICE DATED
16/12/14 ISSUED UNDER SARFAESI ACT.**

EXT. P2 THE TRUE COPY OF THE ACCOUNT STATEMENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

bpr

A.MUHAMED MUSTAQUE, J.

~~~~~  
**W.P.(C).No.1159/2015**  
~~~~~

Dated this the 10th Day of June, 2015

J U D G M E N T

The petitioner has availed certain cash credit facilities from the respondent-Bank. It is submitted by the learned counsel for the petitioner that he has cleared some of the accounts and he is prepared to renew the other account/s after clearing any overdue amounts.

2. The learned counsel for the Bank submits that the petitioner is not entitled for any such relief. It is submitted that the petitioner is not doing any business.

3. I am of the view that if the petitioner makes a request before the Bank and satisfies the Bank about the genuineness of the claim, certainly, the Bank will not have any impediment in accommodating such a request of the petitioner for renewing the cash credit facilities after clearing any overdue amounts.

Therefore, the following directions are issued:

i. The petitioner shall make a request as above before the Bank within one week from the date of receipt of a copy of this judgment.

ii. Thereafter, the Bank shall consider the request within a further period of two weeks.

iii. If the petitioner's cash credit facilities are not renewed and, the petitioner and the Bank could not reach at a settlement, the petitioner will be given a further four more months to settle the entire liability under the account on condition that the petitioner deposits the overdue amount within one month from today.

The writ petition is disposed of as above. No costs.

SD/-

A.MUHAMED MUSTAQUE, JUDGE

ms