

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 1498 of 2015 (J)

PETITIONER:

**VIJAYALEKSHMI ALIAS JAYALEKSHMI,
SATEESH BHAVAN, CHENNIVILA, CHITTAKODE,
KOOVALASSERY P.O, THIRUVANANTHAPURAM.**

BY ADV. SRI.R.V.SREEJITH

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF FINANCE, NEW DELHI, PIN - 110 001.**
- 2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, CO-OPERATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN- 695 001.**
- 3. THE AUTHORISED OFFICER,
NEYATTINKARA CO-OPERATIVE URBAN BANK LTD. NO.911,
NEYATTINKARA, THIRUVANANTHAPURAM - 695 121.**
- 4. CAROLINE JOY FLETCHER,
ADVOCATE, SARADHALAYAM, NEAR KHADI BOARD,
VANCHIYOOR, THIRUVANANTHAPURAM 35.**

**R1 BY SRI.N.NAGARESH, A S G OF INDIA
R2 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA
R3 BY ADV. SRI.R.T.PRADEEP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. TRUE COPY OF THE NOTICE ISSUED BY THE THIRD RESPONDENT.
- EXHIBIT P2. TRUE COPY OF THE NOTICE ISSUED BY THE FOURTH RESPONDENT
DATED 31.12.14.
- EXHIBIT P3. TRUE COPY OF THE NOTIFICATION NO.SO 105(E) DATED 28.1.03.
- EXHIBIT P4. TRUE COPY OF THE ORDER IN UNNUMBERED SLP 2013 IN
CC 10243/13 DATED 10.5.13.
- EXHIBIT P5. TRUE COPY OF THE INTERIM ORDER IN WRIT PETITION (CIVIL)
NO.779/2014 DATED 26.8.14.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.1498 of 2015

Dated this the 13th day of July, 2015

JUDGMENT

The petitioner availed a loan from the respondent Bank. The petitioner impugns SARFAESI proceedings. The only prayer made before this Court is that he may be permitted to clear the overdue amount and the Bank may be directed to regularize the account.

2. Learned counsel for the Bank submits that the overdue amount is around Rs.3,32,000/- and the total liability is more than Rs.6,10,000/-.

Considering the facts and circumstances, this writ petition is disposed of with the following directions:

- i. The petitioner shall discharge the overdue amount in six equal monthly instalments starting from 5.8.2015 along with regular EMI.
- ii. If the petitioner clears the amount as above, the Bank shall regularize the petitioner's loan account.
- iii. However, if the petitioner commits default in repayment of anyone of the instalments along with regular EMI within the time indicated above, respondent Bank is free to proceed against the petitioner in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE