IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 1632 of 2015 (D)

PETITIONER:

MR. SASEENDRA BABU, AGED 61,
S/O.KUTTAPPAN, SREYAS, KUREEPUZHA,
MANALIL NAGAR, 58, KAVANADU POST OFFICE,
KOLLAM - 691 003.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENT(S):
----

1. UNION OF INDIA, REP. BY SECRETARY,
MINISTRY OF BANKING & FINANCE,
PARLIAMENT, NEW DELHI-1.

2. THE ASST. GENERAL MANAGER, DEBA BANK,
GRIEVANCE REDRESSAL COMMITTEE,
STRESSED ASSETS MANAGEMENT GROUP,
T NAGAR, CHENNAI-600 017.

3. AUTHORISED OFFICER, DENA BANK,
ZONAL OFFICE, CHENNAI,
BKR CONVENTION CENTRE, 32,
VENKATESAN STREET, T.NAGAR,
CHENNAI-600 017.

4. THE CHIEF MANAGER,
DENA BANK, KOLLAM BRANCH, KOLLAM.

R1 BY SRI.N.NAGARESH, A S G
R2 TO R4 BY ADVS. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 1632 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1- **THE TRUE PHOTOCOPY OF THE RECEIPT DATED 4.12.2014 OF THE 4TH RESPONDENT.**

P2- **THE TRUE PHOTOCOPY OF THE NOTICE DATED 29.10.14 OF THE 3RD RESPONDENT.**

P3- **THE PHOTOCOPY OF THE OBJECTION DATED 29.12.14 TO THE 3RD RESPONDENT.**

P4- **THE TRUE PHOTOCOPY OF THE COMPLAINT BEFORE THE 2ND RESPONDENT DATED 8.1.15.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.1632 of 2015

Dated this the 26th day of June, 2015

J U D G M E N T

The petitioner availed a mortgage loan as well as educational loan from the respondent Bank. As far as the mortgage loan is concerned, more than ₹3 lakhs is remaining as overdue and the repayment of the educational loan is not yet started. The petitioner impugns recovery proceedings based on the SARFAESI Act. Apart from the above, the petitioner has another grievance that, the petitioner's daughter Deepa has given title deeds for the purpose of obtaining an educational loan and thereafter, she opted not to obtain educational loan. It is further submitted that, said title deeds had not been returned.

2. It is the case of the Bank that, if the petitioner clears the mortgage loan, they were prepared to regularise the account.

3. The learned counsel for the petitioner submits that, if Deepa's documents are returned, they will able to clear the entire overdue amount.

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

1. The petitioner shall deposit an amount of ₹30,000/- (Rupees Thirty thousand only) within two weeks.
2. The Bank shall return the documents submitted by the

petitioner's daughter Deepa as against the acknowledgment.

3. The petitioner shall pay the entire overdue amount within a further period of two months.

4. If the petitioner clears the entire overdue amount, petitioner's account shall be regularised.

5. If the petitioner fails to honour any of the conditions stipulated above, the Bank shall proceed against the petitioner.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV