

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936**

**WP(C).No. 1743 of 2015 (P)**  
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**PETITIONER(S):**  
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**PREMAKUMARI AMMA, AGED 58 YEARS,  
W/O MOHANDAS, J.S. BHAVAN, ULIYANADU, KARAMCODE P.O.,  
CHIRACKARA VILLAGE, KOLLAM DISTRICT.**

**BY ADV. SRI.V.VENUGOPALAN NAIR**

**RESPONDENT(S):**  
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- 1. KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,  
REPRESENTED BY ITS GENERAL MANAGER,  
DISTRICT CO-OPERATIVE BANK BUILDING,  
CHINNAKKADA, KOLLAM, PIN - 691 001**
- 2. THE AUTHORISED OFFICER,  
KOLLAM DISTRICT CO-OPERATIVE BANK LTD.  
DISTRICT CO-OPERATIVE BANK BUILDING,  
CHINNAKKADA, KOLLAM, PIN - 691 001.**
- 3. THE SENIOR MANAGER, KOLLAM DISTRICT  
CO-OPERATIVE BANK LTD., CHATHANNOOR BRANCH,  
CHATHANNOOR P.O., KOLLAM, PIN-691 001.**
- 4. SMT. SAJINA S.V. ADVOCATE (COMMISSIONER IN  
CMP 4302/14 OF THE CJM, KOLLAM)  
ROOM NO.1, C.P. & C.P. BUILDING, T.D. ROAD,  
KOLLAM, PIN - 691 013.**
- 5. THE JOINT REGISTRAR OF  
CO-OPERATIVE SOCIEITES, CIVIL STATION BUILDING,  
KOLLAM - 691 001.**

**R1-R3 BY ADV. SRI.T.R.HARIKUMAR, SC  
R5 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**WP(C).No. 1743 of 2015 (P)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1: A TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT  
DTD 14.1.2015.**

**EXT.P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER  
BEFORE THE 5TH RESPONDENT DATED 15.1.2015.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Ms v/**

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C).NO.1743 OF 2015**  
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**Dated this the 28<sup>th</sup> day of January, 2015**

**J U D G M E N T**

The petitioner, who had availed of a cash credit facility from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts. Ext.P1 is the notice issued by the Advocate Commissioner. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.Venugopalan Nair, the learned counsel appearing on behalf of the petitioner as also Sri.T.R.Hari Kumar, the learned Standing counsel appearing on behalf of the respondent bank.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the balance

amounts outstanding to the bank in easy instalments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total overdue amount outstanding from the petitioner to the respondent bank is stated to be Rs.20,00,000/- together with accrued interest. Accordingly, if the petitioner remits the entire amount of Rs.20,00,000/- together with accrued interest in ten equal and successive monthly instalments commencing from 15.02.2015, then the recovery proceedings initiated against the petitioner shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

mns

