

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 2274 of 2015 (H)

PETITIONER:

**C.LATHAKUMARI,
W/O.J.SASIDHARAN NAIR, T.C.V/1636, MAHALEKSHMI NILAYAM,
KACHANI, NETTAYAM.P.O, THIRUVANANTHAPURAM-695 023.**

**BY ADVS.SRI.V.R.GOPU
SRI.J.NARAYANA PILLAI**

RESPONDENTS:

- 1. THE ANANTHASAYANAM CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS SECRETARY, POST OFFICE LANE,
PUTHEN CHANTAH, THIRUVANANTHAPURAM-695 001.**
- 2. THE AUTHORISED OFFICER,
POST OFFICE LANE, PUTHEN CHANTAH,
THIRUVANANTHAPURAM-695 001.**

**R1 BY ADVS. SMT.SREEDEVI KYLASANATH
SRI.V.L.MONY
SRI.ACHUTH KYLAS
SRI.M.JAYAKRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 THE DISCHARGE SUMMARY ISSUED BY THE DEPARTMENT OF
NEPHROLOGY OF LAKESHORE HOSPITAL DATED 24/01/2013
- EXT.P2 THE TRUE COPY OF OP MEDICAL REPORT AND PRESCRIPTION IN
FAVOUR OF PETITIONER'S HUSBAND DATAED 17.05.2013
- EXT.P3 THE TRUE COPY OF LOAN REPAYMENT RECORD IN FAVOUR OF
PETITIONER DATED 29/06/2012
- EXT.P4 THE TRUE COPY OF THE NOTICE ISSUED UNDER SARFAISI ACT
ISSUED BY THE 2ND RESPONDENT DATED 16/06/2014
- EXT.P5 TRUE COPY OF THE NOTICE ISSUED BY THE COMMISSIONER
ADV.MERCY SAM DATED 25/11/2014
- EXT.P6 THE RECEIPTS ISSUED BY THE IST RESPONDENT(2 IN NUMBERS),
DATED 22/12/2014
- EXT.P7 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER DATED 22/12/2014
- EXT.P8 THE TRUE COPY OF THE RECEIPT DATED 16/01/2015
- EXT.P9 THE TRUE COPY OF REPRESENTATION SUBMITTED BY THE
PETITIONER DATED 17/01/2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.2274 of 2015

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Dated this the 11th day of February, 2015

J U D G M E N T

The petitioner who had availed of a medical loan 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.P4 is the 13(2) notice. 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.V.R.Gopu, the learned counsel for the petitioner and Smt.Sreedevi Kylasanath, the learned Standing Counsel appearing on behalf of the respondents .

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 from the petitioner to the respondent bank, in respect of the loan is stated to be Rs.1,80,226/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.1,80,226/- together with accrued interest in six equal and successive monthly instalments commencing from 28.02.2015, the further proceedings for recovery 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 currently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

