

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 4189 of 2014 (W)

PETITIONER:-:

**JACOB JOSEPH,
PAKALOMATTAM HOUSE, PALAKKUZHI, AYYAPPANKAVU ROAD
AKRA 30, KIZHAKKENCHERRY P.O., VADAKKANCHERRY
PALAKKAD, PIN - 678 684.**

**BY ADVS.SRI.C.D.DILEEP
SRI.P.M.MANOJ**

RESPONDENTS:-:

- 1. AUTHORIZED OFFICER,
SUNDARAM BNP PARIBAS HOME FINANCE LTD., 1ST FLOOR
15/513 (50), AKSHAYA FOUNDATION, STADIUM BY-PASS ROAD
PALAKKAD, PIN - 678 001.**
- 2. SUNDARAM BNP PARIBAS HOME FINANCE LTD.,
SUNDARAM TOWERS, WHITES ROAD, CHENNAI - 600 014.**

BY ADV. SRI.VARGHESE C.KURIAKOSE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE NPA DECLARING NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 07.12.2012.**
- EXHIBIT P2. TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 30.05.2013.**
- EXHIBIT P3. A TRUE COPY OF THE RECEIPTS SHOWING REMITTANCE OF VARIOUS INSTALLMENTS.**
- EXHIBIT P4. A TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER IN CMP 31/2014 OF THE CJM COURT, PALAKKAD.**
- EXHIBIT P5. A TRUE COPY OF THE STATEMENT FURNISHED BY THE RESPONDENT COMPANY SHOWING THE LIABILITY OF THE PETITIONER AS ON 28.02.2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 4189 of 2014

Dated this the 8th day of January, 2015

J U D G M E N T

The petitioner has come up before this Court aggrieved by Ext.P2 notice issued by the 1st respondent for the recovery of loan availed by the petitioner in the year 2012.

2. According to the petitioner, he is ready to regularize the loan by remitting the overdue amount within a period of three months. He also points out that he is not a chronic defaulter; and several intallments were paid by the petitioner as evidenced by Ext.P3 series of receipts. In the writ petition, the petitioner is seeking for a remedy of a reasonable time to regularize the loan. According to the petitioner, the overdue amount intimated by the 1st respondent is ₹9,63,417/-.

3. On the basis of the interim order dated 12.02.2014 that the petitioner could not be dispossessed

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pursuant to Ext.P4 on condition that the petitioner would pay an amount of ₹3,00,000/- within a time frame, the petitioner has remitted the sum.

4. The learned counsel for the respondents submitted that the amount outstanding as on 31.01.2015 is ₹17,17,085/- (Rupees seventeen lakhs seventeen thousand and eighty five only).

As the petitioner is ready to regularize the loan, the writ petition is disposed of permitting the petitioner to pay off the aforesaid amount in ten equal monthly instalments along with formal monthly instalments. The first instalment shall be paid on or before 31.01.2015. In case the petitioner fails in remitting one instalment, it shall be open to the respondents to proceed with recovery action, in accordance with law.

The respondents shall furnish a copy of the statement showing the amount outstanding without delay.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-