

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4885 of 2015 (I)

PETITIONER(S):

1. **SHAHINA BEEVI, AGED 48 YEARS,
W/O.SHAJAHAN, SHANAS VILLA,
ADIKKATTUKULANGARA P.O., ALAPPUZHA.**
2. **SHAJAHAN. P.M., AGED 51, S/O.MUSTHAFA RAWTHER,
SHANAS VILLA,
ADIKKATTUKULANGARA P.O., ALAPPUZHA.**

BY ADV. SRI.D.AJITHKUMAR

RESPONDENT(S):

**AUTHORIZED OFFICER,
CHIEF MANAGER, STATE BANK OF TRAVANCORE,
NOORANAD BRANCH, ALAPPUZHA-690504.**

BY SRI.R.S.KALKURA, SC, SBT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 4885 of 2015 (I)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE NOTICE DATED 29/12/14 UNDER RULE 8(5) OF SECURITY INTEREST (INFORCEMENT) RULES, 2002.**
- P2: COPY OF THE AUCTION NOTICE DATED 14/1/15 ISSUED BY THE RESPONDENT BANK.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

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W.P.(C) No.4885 of 2015 - I

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Dated this the 16th day of February, 2015

J U D G M E N T

The petitioner had availed a loan and committed default in the same. Since default was committed, the respondent Bank has initiated SARFAESI proceedings, in the context of there being arrears for reason of failure to pay the equated monthly instalments.

2. In the circumstances of the petitioner satisfying the entire arrears/default in ten instalments along with the regular payment of EMIs, on the respective due dates, there shall be a direction to the respondent Bank to regularize the loan account and permit the petitioner to pay the amounts as per the original agreement. The recovery proceedings shall stand closed on the satisfaction of the arrears and also on regular EMIs being paid, even during the period granted

by this Court. If a single default is committed during the instalment period granted by this Court, Bank shall proceed with the recovery proceedings initiated. First instalment shall be paid on 16.03.2015, as per the statement issued by the Bank as to the dues as on 28.02.2015; and the balance instalments shall be paid on the 16th of the succeeding months. On the satisfaction of the dues as per the statement, the Bank shall give a statement of the future interest from 28.02.2015 and the same shall be settled as the 11th instalment.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge