IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 5239 of 2015 (D)

PETITIONER(S):

ABDUL KAREEM.S, AGED 36 YEARS,
S/O.SHAHUL HAMEED, PROPREITOR,
HINUDSTAN FLOWERS, SHANZ COMPLEX,
N.H.BYE PASS, VENNALA P.O., ERNAKULAM-682028.

BY ADVS.SRI.P.A.MOHAMMED SHAH
SRI.SOORAJ T.ELENJICKAL
SMT.P.M.MAZNA MANSOOR
SRI.T.S.SARATH

RESPONDENT(S):

CHIEF MANAGER AND AUTHORIZED OFFICER,
BANK OF BARODA, PALARIVATTOM BRANCH,
DOOR NO.34/1860 A1(A), THAPASYA TOWER,
MAMANGALAM, PALARIVATTOM P.O., ERNAKULAM-682025.

BY SRI.DEVAN RAMACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

WP(C).No. 5239 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS

P1: **COPY OF THE BANK STATEMENT DATED 3/2/15**

P2: **COPY OF THE SALE NOTICE 8/12/14**

P3: **COPY OF THE NOTIFICATION ISSUED IN NEW INDIA EXPRESS DATED 5/2/15**

P4: **COPY OF THE COMMUNICATION ISSUED BY THE RESPONDENT TO THE PETITIONER REGARDING THE SALE OF SECURED ASSETS DATED 5/2/15**

P5: **COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE RESPONDENT DATED 12/2/15.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C) No. 5239 of 2015 (D)

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Dated this the 27th day of February, 2015

JUDGMENT

The petitioner, who had availed of a Cash Credit facility from the respondent Bank, defaulted in re-payment of the same. Consequently, the respondent bank initiated revenue recovery proceedings against the petitioner. Ext.P2 is the sale notice that was issued by the respondent Bank to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Sri.Mohammed Shah, the learned counsel appearing for the petitioner, Sri.Devan Ramachandran, learned Standing counsel appearing for the respondent.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I note that the sole prayer of the petitioner is to permit him to remit the total amount outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:

(i) The Cash Credit limit that was made

available to the petitioner by the respondent Bank was Rs.25,00,000/-. The current overdue amount in respect of the said Cash Credit facility is stated to be an amount of Rs.1,26,848/-. Accordingly, if the petitioner remits Rs.2,00,000/- on or before 31.03.2015, and complies with other formalities required for maintaining the Cash Credit facility, then, further proceedings for recovery of the loan amount by the respondents shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefits 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/02/03/