

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 6613 of 2015 (B)

PETITIONER(S):

**JIMMY, AGED 41 YEARS,
S/O.JOHNKUTTY, THAIPARAMB, VADAKKAL P.O.
ALAPUZHA.**

**BY ADVS.SRI.P.SHANES METHAR
SRI.BENSON J LAWRANCE**

RESPONDENT(S):

- 1. THE ALLEPPEY URBAN CO-OPERATIVE BANK LTD.,
PICHU IYER JUNCTION, CULLEN ROAD, ALAPPUZHA,
REPRESENTED BY ITS BRANCH MANAGER - 688 010.**
- 2. THE AUTHORISED OFFICER,
THE ALLEPPEY URBAN CO-OPERATIVE BANK LTD.
PICHU IYER JUNCTION, CULLEN ROAD, ALAPPUZHA 688 010.**

BY ADV. SMT.I.SHEELA DEVI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 6613 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE RELEVANT PAGES OF PASS BOOK ISSUED TO THE PETITIONER**
- P2: TRUE COPY OF THE DISCHARGE CARD ISSUED FROM T.D.MEDICAL COLLEGE ALAPPUZHA.**
- P3: TRUE COPY OF THE NOTICE DATED 21/2/2015 ISSUED BY THE ADVOCATE COMMISSIONER CALLING UPON THE PETITIONER AND HIS WIFE TO SURRENDER VACANT POSSESSION OF THE ASSETS.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

W.P.(C). No. 6613 of 2015

Dated this the 25th day of June, 2015

J U D G M E N T

Though notice is served on the respondents none appeared for them.

2. The petitioner impugns the SARFAESI proceedings. The petitioner submits that, he is prepared to clear the overdue amount and the Bank may be directed to regularise the account. It is further submitted that, the period of loan is not over and it will expire only in the year 2018.

3. Taking into the facts and circumstances, the petitioner is permitted to clear the overdue amount in 10 monthly instalments along with regular EMI starting from 20.07.2015 onwards. If the petitioner clears the overdue amount along with regular EMI as above, the account shall be regularised. However, if the petitioner commits default in paying any of the instalments, the Bank is at liberty to proceed against the petitioner.

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.