

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYASHTA, 1937

WP(C).No. 8159 of 2015 (T)

PETITIONER:

**VIJI @ VIJEEVAN.C,
S/O.CHELLAPAN,AGED 44 YEARS, VIJI NIVAS, KALLANGODE,
CHATHAMANGALAM.P.O, PALAKKAD DISTRICT.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENTS:

- 1. THE PALAKKAD DISTRICT CO-OPERATIVE BANK,
REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE,
P.B.NO.21, H.P.O.ROAD, PALAKKAD-678 001.**
- 2. THE AUTHORIZED OFFICER(THE GENERAL MANAGER),
THE PALAKKAD DISTRICT CO-OPERATIVE BANK, HEAD OFFICE,
P.B.NO.21, H.P.O.ROAD, PALAKKAD-678 001.**
- 3. THE MANAGER,
THE PALAKKAD DISTRICT CO-OPERATIVE BANK,
NENMARA BRANCH, NENMARA.P.O, PALAKKAD-678 508.**

R1-R3 BY ADV. SRI.M.SASINDRAN, SC, PALAKKAD DIST.CO.OP.BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 8159 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1	TRUE COPY OF THE STATEMENT OF ACCOUNT
EXT.P2	TRUE COPY OF THE CERTIFICATE ISSUED BY THE AMALA INSTITUTE OF MEDICAL SCIENCES,THRISSUR, DATED 22.1.2015
EXT.P3	TRUE COPY OF THE NOTICE UNDER RULE 8 (1) OF THE SECURITY INTEREST ENFORCEMENT RULES,2002 ISSUED BY THE SECOND RESPONDENT.

RESPONDENT(S)' EXHIBITS: -----	NIL
--	------------

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.8159 of 2015

Dated this the 4th day of June, 2015

JUDGMENT

The petitioner, defaulted in repaying the loan amount, has approached this Court challenging SARFAESI proceedings. The petitioner's only prayer is for paying the entire amount in instalments.

2. Learned counsel for the Bank points out that the term of the loan period is over. It is also submitted by the learned counsel for the Bank that the total liability as on 28.2.2015 is Rs.5,97,253/-. The petitioner submits that he being a cardiac patient and he is entitled for waiver of Rs.75,000/-.

Considering the facts and circumstances, this writ petition is disposed of with the following directions:

1. The petitioner shall make a request for waiver before the Bank, the Bank shall consider the same if it is applicable.
2. If the petitioner is entitled, the same shall be adjusted against the loan amount.

3. The petitioner shall deposit Rs.1,00,000/- (Rupees one lakh only) within one month.
4. If the petitioner deposits Rs.1,00,000/- (Rupees one lakh only) within one month, he shall be permitted to pay the balance amount in ten equal monthly instalments starting from 14.8.2015.
5. If the petitioner commits breach of any of the conditions, the Bank is at liberty to proceed against the petitioner.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In