

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 8606 of 2015 (A)

PETITIONER :

**MARY BABY, W/O.BABY,
VAZHAMPARAMBIL HOUSE, PONNALKKODE,
THACHANBARA-678 593.**

BY ADV. SMT.E.V.MOLY

RESPONDENT(S):

**1. THE PALAKKAD DISTRICT CO-OPERATIVE BANK LTD.,
SULTHANPETTA BRANCH, PALAKKAD DISTRICT,
REPRESENTED BY ITS BRANCH MANAGER,PIN-678 001.**

**2. BRANCH MANAGER,
THE PALAKKAD DISTRICT CO-OPERATIVE BANK LTD.,
SULTHANPETTA BRANCH, PALAKKAD DISTRICT- 678 001.**

BY SRI.M.SASINDRAN, SC, PALAKKAD DIST.CO.OP. BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 8606 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: THE TRUE COPY OF THE POSSESSION NOTICE PUBLISHED IN
MATHRUBHUMI DAILY DATED 19/1/2015.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 8606 of 2015

Dated this the 27th day of July, 2015

JUDGMENT

The petitioner availed a loan from the respondent bank. The petitioner approached this Court challenging SARFAESI proceedings. The petitioner submits that she may be given an instalment facility to discharge the entire liability.

2. Learned counsel for the Bank submits that the total liability is around Rs.6 lakhs.

3. It appears that the petitioner's husband is an autorickshaw driver and the liability has to be discharged from his earning. Considering the above, this writ petition is disposed of with the following directions:

- i. The Bank shall make an every endeavour to exclude the house, if possible, from the proceedings to recover the loan amount and in the event, the Bank finds that it is not feasible, the Bank is free to proceed against the residential building.

- ii. The Bank shall consider the petitioner's request to discharge the liability in eight instalments, if the petitioner deposits Rs.50,000/- within one month.
- iii. However, if the petitioner is unable to deposit the above amount, the Bank is free to proceed against the petitioner as mentioned above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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