IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 8800 of 2015 (Y)

PETITIONER :

R. CHANDRIKA,
RAMYA BHAVAN, IRANOOR VETTIKAVALA,
KOTTARAKKARA,KOLLAM DISTRICT.

BY ADV. SRI.SYAM J SAM

RESPONDENT :

AUTHORISED OFFICER, CHIEF MANAGER,
CO-OPERATIVE URBAN BANK, KOTTARAKKARA,
KOLLAM, PIN -691 506

BY SMT. DEEPA.V, SC, KOTTARAKKARA CO.OP. URBAN BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

WP(C).No. 8800 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHBIIT P1 **THE TRUE COPY OF THE NOTICE ISSUED ON BEHALF OF THE RESPONDENT BANK DATED 16-02-2015**

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

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

....

W.P.(C).No.8800 of 2015

....

Dated this the 19th day of March, 2015

<u>J U D G M E N T</u>

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing counsel for the respondent bank.

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

(i) The total overdue amount in respect of the loan availed by the petitioner is stated to be Rs.1,09,000/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.1,09,000/- together with accrued interest in three equal and successive monthly instalments commencing from 30.03.2015, and continues to keep up the regular instalments as per the original loan schedule, the recovery steps initiated against the petitioner by the respondent bank shall be kept in abeyance.

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

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns