IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10826 of 2015 (C)

PETITIONER :

LOKESWARAN, AGED 55 YEARS,
KUZHITHOTTATHUVEEDU, PAPPANAMCODE,
INDUSTRIAL ESTATE P.O., THIRUVANANTHAPURAM.

BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA

RESPONDENTS :

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
CO-OPERATIVE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695001.

2. THE KERALA CO-OPERATIVE BANK LIMITED,
REGIONAL OFFICE, STATE CO-OPERATAIVE BANK BUILDING,
OVERBRIDGE JUNCTION, THIRUVANANTHAPURAM - 695001.
REPRESENTED BY ITS AUTHORISED OFFICER.

R1 BY GOVERNMENT PLEADER SRI.P. FAIZAL
R2 BY SRI.GEORGE POONTHOTTAM, SC,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

WP(C).No. 10826 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE NOTICE DT 5/12/2009 PUBLISHED BY THE R2.

P2: COPY OF THE STATEMENT OF ACCOUNTS.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C). No. 10826 of 2015

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Dated this the 1st day of April, 2015

JUDGMENT

The petitioner, who had availed 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. Ext.P1 is the notice issued to the petitioner under the SARFAESI Act. 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 appearing on behalf of the respondents.

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 installments. 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.2,05,107/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.2,05,107/- together with accrued interest in six equal and successive monthly installments commencing from 20.04.2015, and continues to keep up the regular installment payments as per the original loan schedule, then the recovery steps initiated against him 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 installments, 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das