

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 11002 of 2015 (A)

PETITIONER :

**K.T. GOVINDAN MENON, AGED 49 YEARS,
SON OF M.PADMANABAN MENON, PADMASOUDHAM,
EDUPPUKULAM P.O, MENONPARA VIA, PALAKKAD DISTRICT**

**BY ADVS.SRI.JACOB SEBASTIAN
SMT.SHAMSEERA. C.ASHRAF
SRI.T.U.SUJITH KUMAR
SMT.ANU JACOB**

RESPONDENT :

**SUNDARAM BNP PARIBAS HOME FINANCE
FORMERLY KNOWN AS SUNDARAM HOME FINANCE LTD.,
SUNDARAM TOWERS, FOURTH FLOOR, NUMBER 46
WHITES ROAD, CHENNAI 600014.
REPRESENTED BY ITS AUTHORIZED OFFICER**

R1 BY ADV. SRI.VARGHESE C.KURIAKOSE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

WP(C).No. 11002 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS & ANNEXURES:

**EXHIBIT P1: A TRUE COPY OF C.M.P NO 5407 OF 2014 FILED BY THE RESPONDENT
IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,PALAKKAD**

**ANNEXURE A1: COPY OF THE DEMAND DRAFT DT 23/5/2015 OF THE CORPORATION
BANK, KANJIKODE BRANCH, COVERING LETTER DT POSTAL
RECEIPT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.11002 of 2015

Dated this the 29th day of May, 2015

JUDGMENT

The petitioner availed two housing loans and committed default. The petitioner challenges SARFAESI proceedings.

2. The overdue amount is Rs.1,81,185/-. The petitioner seeks indulgence of this Court permit him to pay the overdue amount in an instalment along with regular EMI and to regularise the account.

3. Learned counsel for the Bank opposes the prayer and submits that the petitioner is liable to pay the entire amount.

Considering the facts and circumstances, the petitioner is permitted to pay the overdues in four monthly instalments starting from June, 2015 onwards. The petitioner shall pay the overdue amount along with regular EMI. If the petitioner commits default in paying the overdue amount in equal monthly instalments, the respondent is at liberty to proceed against the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE