

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11208 of 2015 (A)

PETITIONER :

JAYAN AGED 47 YEARS,
KALLIDACNCHIYIL VEEDU, PULLUKADU, ATTIPRA
KARIMANAL P.O, TRIVANDRUM 695 583

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:

1. THE AUTHORIZED OFFICER(CHIEF MANAGER)
S.P. NO. 2997, CANARA BANK,
THIRUVANANTHAPURAM DISTRICT 695 582
2. THE MANAGER, CANARA BANK, KAZHAKKUTTAM BRANCH,
SAYOOJYAM, NH BY-PASS JN. THIRUVANANTHAPURAM 695 582

R BY SRI.P.GOPINATH MENON, SC, CANARA BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.11208 OF 2015

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: THE COPY OF THE E AUCTION NOTICE DATED 2.3.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONERS

EXT.P2: THE COPY OF THE AGREEMENT FOR SALE DATED 30.3.2015

EXT.P3: THE COPY OF THE REPRESENTATION DT 30.3.2015 GIVEN TO THE SECOND RESPONDENT BY THE PETITIONERS

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K.VINOD CHANDRAN, J.

W.P.(C).No.11208 of 2015-A

Dated this the 08th day of April, 2015

J U D G M E N T

The petitioner is aggrieved with the E-auction proposed at Ext.P1 on 17.04.2015. The respondent Bank appears and contends that the facility availed by the petitioner was declared as Non Performing Asset on March 2010. Though intermittent payments have been made, no attempt for regularisation was made and there is remaining a total due of Rs.963209/- as on 06.02.2015.

2. On a specific query made by Court, it is submitted by the petitioner that he is unable to pay any amount on or before 17.04.2015 and also expressed his inability to pay the amounts in installments. What the petitioner wants, is a six month period to sell off the property. It is trite that a property which is mortgaged to the respondent Bank, cannot be sold out without the consent of the Bank. In such circumstance, the petitioner would have to approach the

Bank for such consent. It may not be proper for this Court to grant any order without the petitioner expressing a bona fide desire to settle the account in a time bound manner. In such circumstance, leaving open the remedies of the petitioner to approach the Bank, writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
Judge

jma

//true copy//

P.A to Judge