

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 11885 of 2015 (I)

PETITIONER(S):

**CHANDI K.C.,
KATTAKKAYAM HOUSE, KALTHOTTY P.O.,
IDUKKI DISTRICT, PIN-685 507.**

BY ADV. SMT.MABLE C.KURIAN

RESPONDENT(S):

- 1. THE FEDERAL BANK LTD.,
KANCHYAR BRANCH, THOPPIPALA, KANCHYAR P.O.,
IDUKKI DISTRICT, PIN-685 511,
REPRESENTED BY ITS MANAGER.**
- 2. THE AUTHORISED OFFICER UNDER SARFAESI ACT,
THE FEDERAL BANK LTD, KANCHYAR BRANCH, THOPPIPALA,
KANCHYAR P.O., IDUKKI DIUSTRIC, PIN-685 511.**

**R2 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY
SRI.K.P.KURIAKOSE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 11885 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- A TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT BANK
DATED 05-12-2014.**

**P2- A TRUE COPY OF REPLY ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
DATED 14-02-2015.**

**P3- A TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER
KANCHIYAR VILLAGE DATED 16-12-2014.**

**P4- A TRUE COPY OF THE POSSESSION NOTICE ISSUED TO THE PETITIONER BY THE
2ND RESPONDENT DATED 10-03-2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 11885 of 2015

Dated this the 22nd day of June, 2015

J U D G M E N T

The petitioner availed cash credit facility from the 1st respondent Bank. On account of non-payment of the amount, the Bank initiated SARFAESI proceedings. The petitioner impugns SARFAESI proceedings. The petitioner submits that his children got employment in Soudi Arabia after much efforts and he will wipe off the entire outstanding liability if instalment facility is given to him.

2. The learned counsel appearing for the Bank opposed the prayer of the petitioner.

3. Considering the willingness of the petitioner to discharge the entire liability, the following directions are issued:

(i) The petitioner shall pay the entire liability in 12 monthly instalments commencing from 10.07.2015.

(ii) If the petitioner commits any default in paying any one of the instalment, the Bank is at liberty to proceed against the petitioner.

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.