IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WP(C).No. 12782 of 2015 (W)

PETITIONER:

ASOKAN K.K.,
AGED 61, S/O.KUNJAPPAN,
KAVUNGUMKUTTATHIL HOUSE,
ELAMAKKARA P.O,
ERNAKULAM DISTRICT - 682 026.

BY ADVS.SRI.M.JITHESH MENON
SMT.K.INDU (POURNAMI)

RESPONDENT:

THE CHIEF MANAGER/AUTHORISED OFFICER,
HOUSING DEVELOPMENT FINANCE CORPORATION LIMITED,
HDFC HOUSE, RAVIPURAM JUNCTION,
M.G ROAD, KOCHI - 682 015.

BY SMT.S.AMBILY, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 12782 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE LAWYER NOTICE DATED 24.11.2014.

EXHIBIT P2. TRUE COPY OF THE LAWYER NOTICE DATED 24.11.2014.

EXHIBIT P3. TRUE COPY OF THE PAPER PUBLICATION DATED 24.12.2014.

EXHIBIT P4. TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 11.2.2015.

EXHIBIT P5. TRUE COPY OF THE STATEMENT SHOWING PAYMENT ON 5.1.2015.

EXHIBIT P6. TRUE COPY OF THE STATEMENT SHOWING PAYMENT ON 5.2.2015.

EXHIBIT P7. TRUE COPY OF THE STATEMENT SHOWING PAYMENT ON 5.3.2015 AND 6.4.2015.

EXHIBIT P8. TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 10.4.2015.

EXHIBIT P9. TRUE COPY OF THE JUDGMENT IN WPC 7273/2015 DATED 17.3.2015.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

ANIL K.NARENDRAN, J

W.P.(C)No.12782 Of 2015

DATED THIS THE 24th DAY OF APRIL, 2015

JUDGMENT

The petitioner has filed this Writ Petition seeking a writ of mandamus commanding the respondent-bank to permit him to clear the overdue amounts in the housing loans availed by him in six equal monthly instalments.

2. Going by the averments in the writ petition, the petitioner has availed a housing loan for an amount of ₹3,25,000/- from the respondent-bank in the year 2012 for renovation of his house, which was followed by another loan of ₹2,50,000/-, which fell overdue on 27.4.2012 and the tenure of both loans would expire by 2019. Since there are overdue in both of these loan accounts, proceedings were initiated by the respondent-bank against the petitioner by issuing Exts.P1 and P2 notices, which was followed by Ext.P3 demand notice.

3. I have heard arguments of the learned counsel for the petitioner and also the learned Standing Counsel for the respondent-Bank.

4. The learned Standing Counsel for the respondent-bank would submit that as on today the total overdue for the two housing loans availed by the petitioner comes to ₹1,47,336/-.

In the facts and circumstances of the case, this Writ Petition is disposed of directing the petitioner to remit the aforesaid overdue amount of ₹1,47,336/- in six equal monthly instalments commencing from 10.5.2015. In addition to this demand, the petitioner shall also make payment of the regular instalments. If the petitioner complies with the above conditions and paying the instalments in time, all recovery proceedings pursuant to Ext.P3 demand notice and Ext.P8 notice issued by the Advocate Commissioner shall be kept in abeyance. In case of default, the respondent-bank shall be at liberty to proceed with Ext.P3 demand notice and further proceedings can be taken pursuant to Ext.P8 notice issued by the Advocate Commissioner.

Sd/-
ANIL K.NARENDRAN,
JUDGE

dsn