

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 13075 of 2015 (H)

PETITIONER(S):

- 1. SMT.FATHIMA SUHARA. M.,
S/O.HASSAN MOIDEEN MUSALIYAR, MADAPPALLY HOUSE,
ADIVARAM, CHEROOR P.O., VENGARA VIA.,
MALAPPURAM-676 304.**
- 2. PATHUMMA. V.P.,
D/O.MUHAMMED MUSLIYAR VALIYA PARAMBIL,
MADAPPILLY HOUSE, ADIVARAM, CHEROOR P.O.,
VENGARA VIA., MALAPPURAM.**

BY ADV. SRI.T.G.RAJENDRAN.

RESPONDENT(S):

- 1. THE MANAGER,
MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
BRANCH VENGARA, MALAPPURAM-676 505.**
- 2. THE GENERAL MANAGER,
MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE UP HILL, MALAPPURAM 676 505.**

*** ADDL. R3 IMPEADED**

- 3. THE VILLAGE OFFICER,
VENGARA, MALAPPURAM.**

*** IS SUO MOTU IMPEADED AS ADDL. R3 AS PER ORDER
DATED 26/05/2015.**

**R1 & R2 BY ADV. SRI.ESM.KABEER, SC.
ADDL. R3 BY GOVT. PLEADER SMT.M.T. SHEEBA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 13075 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1: TRUE COPY OF THE DEMAND NOTICE DATED 03.12.2014
ISSUED BY THE 2ND RESPONDENT.**

EXHIBIT-P2: TRUE COPY OF THE POSSESSION NOTICE DATED 18.03.2015.

**EXHIBIT-P3: TRUE COPY OF THE PAPER NOTIFICATION PUBLISHED IN THE
CHANDRIKA DAILY DATED 26.03.2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 13075 of 2015

Dated this the 13th day of July, 2015

J U D G M E N T

Petitioners have taken a loan from the respondent Bank. It appears that, the 2nd petitioner is a disabled person and now find it difficult to repay the amount. They impugned the SARFAESI proceedings.

2. After taking note of the averments in the writ petition this Court *suo motu* impleaded the Village Officer to find the veracity of the petitioners claim.

3. The learned Government Pleader submits that, the property belonging to the petitioners is 12 cents and they have availed the loan for starting a footwear business and the business has been closed down. It is further submitted that the 1st petitioner is having 10 children and the 2nd petitioner is bedridden.

4. In the facts and circumstances of the case, following directions are issued:

(i) Petitioners shall remit the entire overdue amount along with regular EMI in 15 instalments from August onwards.

(ii) The Bank shall communicate the amount payable to them in the above manner, on or before 30.07.2015.

(iii) If the petitioners remit the above amount, the Bank shall regularise the account.

(iv) If petitioners commit default in paying any one of the installments, the Bank is free to proceed against the petitioners.

This writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE, JUDGE.

Pn