

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

WP(C) .No. 13375 of 2015 (V)

PETITIONER

H P SHABU, AGED 49 YEARS
S/O.S.P.HERIC, VAYALIL BHAVAN, KSHB
EKMS NAGAR, VANCHIYOOR, THIRUVANNATHAPURAM DISTRICT.

BY ADV. SRI.P.M.JOSHI

RESPONDENT:

CHIEF MANAGER (AUTHORISED OFFICER) ,
STATE BANK OF TRAVANCORE, SHANGHUMUGHAM BRANCH
THIRUVANANTHAPURAM.

R BY SRI.JAWAHAR JOSE, STATE BANK OF TRAVANCORE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

RKC

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APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 THE POSSESSION NOTICE DATED 24-1-15 ISSUED TO THE
PETITIONER BY RESPONDENT

EXT.P2 THE TRUE COPY OF THE REQUEST LETTER DATED 16-2-2015 OF
THE PETITIONER TO RESPONDENT

EXT.P3 THE TRUE COPY OF RECEIPT DATED 21-3-15 ISUSED BY THE
RESPONDENT BANK TO PETITIONER

EXT.P4 THE AUCTION NOTICE NIL DATED ISSUED TO THE PETITIONER
BY RESPONDENT.

RESPONDENT(S) ' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.,

.....
W.P.(C) No.13375 of 2015
.....

Dated this the 5th day of May, 2015

JUDGMENT

The petitioner is faced with the coercive action on account of the default committed in repayment of a housing loan availed from the respondent, on account of which proceedings under the SARFAESI Act has already initiated and now his properties are posted for sale on 8.7.2015.

2. I heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondent, who opposes the claim of the petitioner pointing out that the petitioner has already approached this Court earlier and instalment facility has granted.

3. The learned counsel for the respondent submits that over due amount as on today is ₹3,27,000/- (Rupees Three lakhs twenty seven thousand only). It is also submitted that subsequent to the earlier judgment the petitioner has made substantial payment.

In the light of the above submission, there shall be a

W.P.(C) No.13375 of 2015

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direction to the petitioner to make payment of ₹50,000/- (Rupees Fifty thousand only) to the respondent before 8.5.2015, in which event the proceedings for sale shall stand stayed. The arrears of the over due amount shall be paid within three months. The petitioner shall continue to make payment of the regular installment simultaneously. In case there is any default, the respondent can continue the proceedings for recovery.

The writ petition is disposed of.

**P.V.ASHA,
JUDGE.**

rkc