

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 13443 of 2015 (E)

PETITIONERS:

1. SAJEEV P, S/O.PURUSHOTHAMAN,
PUTHENKADAYIL VEEDU,
VILAKKUPURA P O, KOLLAM DISTRICT.
2. SIVADASAN P , S/O.PURUSHOTHAMAN,
MANAGALATHU VEEDU, KEETUPLACHI
VILAKKUPARA P.O, KOLLAM DISTRICT.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENT(S):

1. THE AUTHORIZED OFFICER,
CHIEF MANAGER, THE FEDERAL BANK LTD.,
R.O JUNCTION ANCHAL P.O,
KOLLAM DISTRICT, PIN - 691306.
2. THE FEDERAL BANK LTD.,
REGISTERED OFFICE, 1ST FLOOR, FEDERAL HEIGHTS,
BYE PASS JUNCTION, ALUVA, PIN - 683101,
REPRESENTED BY ITS MANAGING DIRECTOR.
3. THE MANAGER,
FEDERAL BANK LTD., R.O JUNCTION, ANCHAL P.O,
KOLLAM DISTRICT, PIN - 691306.

**BY ADVS. SRI.P.RADHAKRISHNAN (1)
SRI.MADHU RADHAKRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:- COPY OF THE CERTIFICATE NO 495/2015 DATED 28/4/2015 ISSUED BY VILLAGE OFFICER, AYIRANALLOOR.
- P2:- COPY OF THE CERTIFICATE NO 496/15 DATED 28/4/2015 ISSUED BY THE VILLAGE OFFICER, ARIYANALLOOR.
- P3:- COPY OF THE DISCHARGE SUMMARY IN RESPECT OF TREATMENT OF SARADA ISSUED FROM THE REGIONAL CANCER CENTRE, TRIVANDRUM.
- P4:- COPY OF THE CASE SUMMAY ISSUED FROM THE SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES & TECHNOLOGY, TRIVANDRUM IN RESPECT OF TREATMENT UNDERGONE BY THE 2ND PETITIONER.
- P5:- COPY OF THE NOTICE DATED 7/5/2014 ISSUED BY THE IST RESPONDENT TO THE PETITIONERS.
- P6:- TRUE COPY OF THE REPLY TO EXT P5 NOTICE GIVEN TO THE IST RESPONDENT.
- P7:- TRUE COPY OF THE NOTICE NO 11/2015 DATED 16/4/2015 ISSUED BY K C KRISHNAN NAIR, ADVOCATE, PUNALUR TO THE PETITIONERS.
- P8:- TRUE COPY OF THE NOTICE ISSUED BY SRI KISHORE LAWRENCE, ADVOCATE, KOLLAM TO THE PETITIONERS.
- P9:- TRUE COPY OF THE PETITION FILED BY THE IST RESPONDENT IN CMP NO 717/2015 DATED 28/1/2015 BEFORE THE C J M COURT, KOLLAM.
- P10:- TRUE COPY OF THE ORDER PASSED BY THE CHIEF JUDICIAL MANGISTRATE COURT, KOLLAM IN CMP NO 717/2015 DATED 28/1/2015.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P(C). No. 13443 of 2015

Dated this the 15th day of July, 2015

J U D G M E N T

The petitioners availed a loan from the respondent Bank. Petitioners offered two residential buildings as secured assets. One belonging to the 1st petitioner and other belonging to the 2nd petitioner.

2. 1st petitioner submits that, he is prepared to clear the entire amount and needs some breathing time. He also prays that, the property of the 2nd petitioner may be directed to be released, on remittance of certain portion of the amount.

3. Considering the facts and circumstances, following directions are issued:

- (i) The petitioner shall remit Rs.9,00,000/- within 10 days.
- (ii) If the petitioner remits the above amount, the Bank shall value the property of the 1st petitioner and if it satisfied that property is sufficient to cover the remaining liability, necessary decision shall be taken to release the property of the 2nd petitioner.
- (iii) Petitioner shall be permitted to discharge the entire balance

amount in 7 monthly instalments starting from 01.09.2015.

(iv) If the petitioner fails to comply with any one of the directions, the Bank is free to proceed against the petitioner.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

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