

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

WP(C).No. 13753 of 2015 (T)

PETITIONER(S):

**MUHAMMED M., AGED 65 YEARS,
S/O. MOIDEEN, PATTILLATH HOUSE,
CHAKKITTADUKKAM, P.O. ATTENGANAM,
HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.T.K.VIPINDAS.

RESPONDENT(S):

- 1. STATE BANK OF TRAVANCORE,
HOSDURG (KANHANGAD) BRANCH,
REPRESENTED BY ITS MANAGER, PIN-671 123.**
- 2. THE AUTHORIZED OFFICER,
CHIEF MANAGER, STATE BANK OF TRAVANCORE,
HOSDURG (KANHANGAD) BRANCH, PIN- 671 123.**

BY ADV. SRI.K.JAYESH MOHANKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: THE TRUE COPY OF THE CERTIFICATE DATED 31.03.2015 ISSUED BY THE AGRICULTURAL OFFICER, KODAM-BELUR TO THE PETITIONER SHOWING THAT THE PETITIONER IS AN AGRICULTURIST.

EXHIBIT P2: THE TRUE COPY OF THE NOTICE DATED 17.12.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER UNDER SECTION 13(2) OF THE SARFAESI ACT.

EXHIBIT P3: THE TRUE COPY OF THE OBJECTION TO EXHIBIT P2 DATED 04.04.2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.13753 OF 2015

Dated this the 8th day of May, 2015

JUDGMENT

The writ petition is filed challenging action under SARFAESI Act. The limited prayer in this writ petition is to direct respondents to permit the petitioner to clear off the dues in the loan account in 20 instalments.

2. Heard learned counsel for the parties and perused the materials available on record.

3. Learned Standing Counsel appearing for the Bank opposed the same.

3. In the facts and circumstances of the case, there will be a direction to respondents to permit the petitioner to clear off the dues in the loan account in 10 equal monthly instalments commencing from 15.6.2015. If the petitioner commits any default in payment, respondent bank is at liberty to proceed with the recovery proceedings. Bank shall communicate the liability as on 21.5.2015 to the petitioner on or before 15.6.2015.

Writ petition is disposed of.

**A.MUHAMED MUSTAQUE
JUDGE**

jes