IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 13976 of 2015 (V)

PETITIONER :

RADHAKRISHNAN S.,
S/O.SIVADHANU PILLAI, AGED 51 YEARS
T.C 38/3020, EAST FORT, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.P.M.JOSHI

RESPONDENT :

THE GENERAL MANAGER (AUTHORISED OFFICER)
THE TRIVANDRUM CO-OPERATIVE URBAN BANK LTD.,
MAIN BRANCH, M.G.ROAD, THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE POONTHOTTAM, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 13976 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. **THE NOTICE DATED 24.04.2015 ISSUED TO THE PETITIONER BY THE ADVOCATE COMMISSION.**

EXHIBIT P2. **THE TRUE COPY OF THE REQUEST LETTER DATED 25.04.2015 OF THE PETITIONER TO RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.13976 of 2015

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Dated this the 10th day of June, 2015

JUDGMENT

The petitioner availed a housing loan from the respondent. The petitioner has approached this Court challenging SARFAESI proceedings. It is submitted by the petitioner that he has paid Rs.75,000/- as directed by this Court. The petitioner's only prayer made before this Court is to give some time to clear the overdue amount and regularise the account by the Bank.

2. Learned counsel for the Bank opposes the prayer of the petitioner and submits that the petitioner is given sufficient time.

Considering the facts and circumstances, I am of the view; since the secured asset is residential building, the petitioner should be given breathing time to clear the entire liability. Accordingly, following directions are issued:

1. The petitioner shall remit entire overdue amount along with regular EMI in eight equal monthly instalments starting from July, 2015.

2. If the petitioner clears the entire overdue amount, the account shall be regularised.
3. However, if the petitioner commits default in paying any of the overdue arrears, the Bank is at liberty to proceed against the petitioner from the stage where it is stopped.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE

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