

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937**

**WP(C).No. 14017 of 2015 (B)**  
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**PETITIONER :**  
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**JAMES P.J.,  
PARUNTHANIYIL, MUNDERI, KALPETTA MUNICIPALITY,  
WAYANAD, PIN: 673 312.**

**BY ADV. SRI.S.M.PRASANTH**

**RESPONDENT(S):**  
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- 1. THE AUTHORIZED OFFICER, HDFC BANK LTD.,  
REMEDIAL (RETAIL AGRI), 1ST FLOOR, CHOICE TOWERS,  
MANNORAMA JUNCTION, ERNAKULAM-16**
- 2. HDFC BANK LTD.,  
REPRESENTED BY ITS MANAGER, KALPETTA BRANCH,  
KALPETTA,WAYANAD - 67312.**

**R1 & R2 BY ADV. SRI.T.RAJESH, SC, HDFC BANK LTD.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

WP(C).No. 14017 of 2015 (B)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- P1: TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 13 (2) OF SARFAESI ACT DATED 6/1/2015.
- P2: TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER IN C.M.P NO.1768/2015 BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, KALPETTA DATED 4/5/2015.
- P3: TRUE COPY OF THE PARTICULARS RELATING TO THE CASH CREDIT FACILITY EVEN TO THE PETITIONER.

**RESPONDENT(S)' EXHIBITS:**

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NIL

/TRUE COPY/

P.A.TO JUDGE

sts

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.14017 of 2015**

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Dated this the 27<sup>th</sup> day of May, 2015

**JUDGMENT**

The petitioner has approached this Court impugning proceedings under the SARFAESI Act. The petitioner's only request before this Court to provide with an instalment facility to pay off the entire liability.

2. Learned counsel for the Bank would submit that the petitioner has only remitted one instalment out of the loan amount and he is not entitled for any leniency.

Considering the facts and circumstances, I am of the view, the petitioner shall be permitted to pay off the entire liability in twelve monthly instalments starting from 15.6.2015. If the petitioner commits default in repaying the instalment provided by this Court consecutively for two months, 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**

