

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 14240 of 2015 (D)

PETITIONER :

**SUKUMARAN P.A.
S/O.APPUKUTTAN, AGED 59 YEARS
PANGICHANPURA, VALIYAKADU, ANAKKAL P.O.,
PALAKKAD DISTRICT-678 652.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S) :

- 1. THE CANARA BANK,
REPRESENTED BY ITS AUTHORIZED OFFICER,
MALAMPUZHA BRANCH, MALAMPUZHA P.O., PALAKKAD-678 651.**
- 2. THE MANAGER,
THE CANARA BANK,
MALAMPUZHA BRANCH,
MALAMPUZHA P.O.,
PALAKKAD-678 651.**

R1 & R2 BY ADV. SRI.V.B.HARI NARAYANAN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 14240 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

EXT P1 : TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF RS 3 LAKHS.

EXT P2 : TRUE COPY OF THE PLAINT IN OS NO.319/2014 ON THE FILE OF
ADDITIONAL MUNSIFF'S COURT, PALAKKAD.

EXT P3 : TRUE COPY OF WRITTEN STATEMENT PREFERRED IN OS
NO.319/2014.

EXT P4 : TRUE COPY OF THE NOTICE ISSUED BY THE FIRST RESPONDENT
UNDER SECTION 13(4) R/W RULE 8(1) OF THE SECURITY INTEREST
ENFORCEMENT RULES, 2002.

EXT P5 : TRUE COPY OF THE JUDGMENT IN WPC.NO.9987/2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14240 of 2015

Dated this the 29th day of June, 2015

J U D G M E N T

The petitioner availed a housing loan from the respondent Bank. The petitioner has filed this writ petition impugning SARFAESI proceedings initiated by the Bank.

2. As per the interim order dated 25.05.2015, this Court directed the petitioner to remit an amount of ₹1,00,000/- within three weeks. It appears that, the petitioner has not remitted the amount. The petitioner submits that, he may be given some more time to pay ₹1,00,000/-.

3. The learned Standing Counsel for the Bank submits that, the total liability of the petitioner is ₹6,60,000/-.

4. Considering the fact that, the secured asset is a residential building, this writ petition is disposed of with the following directions :

1. The petitioner shall deposit an amount of ₹1,00,000/- (Rupees One lakh) within two weeks from today.
2. The petitioner shall be given further three months time to discharge the entire liability.
3. If the petitioner fails to pay ₹1,00,000/- as directed above, the Bank is at liberty to proceed against the petitioner in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.