

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 14867 of 2015 (G)  
-----

PETITIONER :  
-----

ABDURAHIMAN,  
S/O.ATHIKKAL ABOOBACKER,  
AGED 50 YEARS, ATHIKKAL HOUSE, EDAVANNA P.O.  
MALAPPURAM DISTRICT-676 541.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S) :  
-----

1. THE AUTHORIZED OFFICER,  
VIJAYA BANK, KONDOTTY BRANCH, KONDOTTY-673 638.
2. THE BRANCH MANAGER,  
VIJAYA BANK, KONDOTTY BRANCH,  
MALAPPURAM DISTRICT.

R1 & R2 BY ADV. SMT.LATHA KRISHNAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

WP(C).No. 14867 of 2015 (G)

**APPENDIX**

**PETITIONER'S EXHIBITS :**

**EXT.P1 : COPY OF THE PETITION DATED 6-1-2015 FILED BY THE FIRST  
RESPONDENT BEFORE THE C.J.M. COURT, MANJERI.**

**EXT.P2 COPY OF THE NOTICE DATED 20-3-2015 ISSUED BY THE ADVOCATE  
COMMISSIONER.**

**RESPONDENT'S EXHIBITS : NIL**

**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**A.MUHAMED MUSTAQUE, J.**

\*\*\*\*\*

**W.P.(C) No.14867 of 2015**

\*\*\*\*\*

Dated this the 11<sup>th</sup> day of June, 2015

**JUDGMENT**

The petitioner is a guarantor to a loan availed by his brother. The petitioner challenges SARFAESI proceedings. The only prayer now made before this Court is that the petitioner may be permitted to discharge the entire liability by equal monthly instalments. The petitioner submits that the petitioner has already paid Rs.1,00,000/- as directed by this Court.

2. Learned counsel for the Bank opposes the prayer of the petitioner.

Considering the fact that secured asset is a residential building, I am of the view, the petitioner shall be given time to discharge the entire liability in twelve monthly instalments starting from 10.7.2015. However, if the petitioner commits default in paying any of the instalments, the Bank is at liberty to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

In