

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 14909 of 2015 (K)

PETITIONERS:

1. GEROGE THOMAS, S/O.LATE JOHN, AGED 55 YEARS,
KIZHAKKARAKKAT HOUSE, PALAKKAYAM (POST),
PALAKKAD DISTRICT, PIN-678 591.
2. ANNAMMA,
W/O.LATE JOHN, AGED 75 YEARS, KIZHAKKARAKKAT HOUSE,
PALAKKAYAM (POST), PALAKKAD DISTRICT, PIN-678 591.

BY ADV. SRI.P.K.MOHANAN(PALAKKAD).

RESPONDENTS:

1. THE AUTHORISED OFFICER, THE FEDERAL BANK LTD.,
SAIKRISHNA RESIDENCY, KUNNATHURMEDU, PALAKKAD-678 013.
2. THE BRANCH MANAGER,
THE FEDERAL BANK LTD., KALLADIKODE BRANCH,
(POST) KALLADIKKODE, PALAKKAD DISTRICT, PIN-678 596.

BY SRI.A.ANTONY. S.C.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Prv/2.

APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1 : TRUE COPY OF THE NOTICE DATED 11-11-13 ISSUED BY THE R1 TO THE PETITIONERS.
- EXT.P2 : TRUE COPY OF THE REGISTERED NOTICE ISSUED BY THE FIRST RESPONDENT TO THE FIRST PETITIONER DATED 6-12-2013.
- EXT.P3 : TRUE COPY OF THE LEDGER EXTRACT OF THE LOAN ACCOUNT OF THE PETITIONERS FROM 16-9-2008 TO 21-3-2014.
- EXT.P4 : TRUE COPY OF THE POSSESSION NOTICE DATED 28-11-2014 SERVED ON THE PETITIONERS.
- EXT.P5 : TRUE COPY OF THE LETTER DATED 17-1-2015 ISSUED BY THE ASSISTANT GENERAL MANAGER OF THE ASSET RECOVERY DEPARTMENT OF THE FEDERAL BANK.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE.

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 14909 of 2015

Dated this the 14th day of July, 2015

J U D G M E N T

Petitioners have approached this Court impugning SARFAESI proceedings. Petitioners raised various contentions before this Court including that the property is an agricultural property. The petitioners also have some dispute regarding quantification of the amount. Petitioners also seek time to discharge the entire liability in 10 instalments. Learned counsel for the petitioners submits that, they have already remitted ₹1,00,000/- on 08.07.2014.

2. I am of the view that, the disputed question and nature of liability cannot be decided in this proceedings. However, taking note of the fact that the petitioners have already remitted ₹1,00,000/-, the petitioners are given 6 months time from today to discharge the entire liability. Petitioners shall remit ₹25,000/- for every month from August onwards and in the last month (ie; the 6th month) petitioners shall pay the entire balance in lump sum.

If petitioners fails to clear the liability within the stipulated time, the Bank is free to proceed against the petitioners. All other issues are left open.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.