

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 14995 of 2015 (Y)

PETITIONER:

**MOHAMMED RAFI C.H, AGED 43 YEARS,
S/O.RAFI, CHULLIPARAMBIL HOUSE, ATHANI
MADAVANNA.P.O, KODUNGALLUR, THRISSUR,
PIN-680666.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT:

- 1. THE AUTHORIZED OFFICER/ASSISTANT GENERAL MANAGER,
CORPORATION BANK, PARAKKOT BUILDING, KODUNGALLUR
THRISSUR DISTRICT, PIN-680664.**
- 2. CORPORATION BANK,
KODUNGALLUR BRANCH,
REPRESENTED BY ITS BRANCH MANAGER, PARAKKOT BUILDING,
KODUNGALLUR, THRISSUR DISTRICT, PIN-680664.**

BY SRI.VIVEK VARGHESE P.J.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 14995 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 THE TRUE COPY OF ORDER DATED 01/04/2015 IN CRL.M.P.2014/2015
 OF THE CHIEF JUDICIAL MAGISTRATE COURT,THRISSUR**
- EXT.P2 THE TRUE COPY OF RECEIPT ISSUED BY THE SECOND RESPONDENT
 TO THE ADVOCATE COMMISSIONER ACKNOWLEDGMENT RECEIPT OF
 POSSESSION OF THE VEHICLE**
- EXT.P3 THE TRUE COPY OF CERTIFICATE DATED 07.05.2015 ISSUED BY THE
 SECOND RESPONDENT TO THE PETITIONER**
- EXT.P4 THE TRUE COPY OF THE STATEMENT OF ACCOUNT OF THE LOAN
 ACCOUNT OF THE PETITIONER ISSUED BY THE SECOND
 RESPONDENT BANK.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14995 of 2015

Dated this the 26th day of May, 2015

JUDGMENT

The petitioner is the owner of Ashok Leyland Passenger Bus bearing registration No.KL-47-D-4041. The petitioner availed a loan from the respondent Bank. The petitioner defaulted in repaying the loan amount. Accordingly, the vehicle has been seized by the respondent Bank with the assistance of the Chief Judicial Magistrate, Thrissur. The petitioner seeks custody of the vehicle and repayment of the loan amount.

2. Learned counsel for the Bank would submit that an overdue amount is around Rs.2,10,000/- and the liability is more than Rs.29 lakhs.

Considering the facts and circumstances, the vehicle being a running stage carriage vehicle, the following directions are issued:

1. If the petitioner remits Rs.1,00,000/- (Rupees One lakh only) within one week, the vehicle shall be released to the petitioner on undertaking that the petitioner will not move the vehicle outside the route permitted under permit.
2. That undertaking also shall be filed before the Bank.
3. The remaining amount in the overdue shall be cleared in six monthly instalments along with regular EMI.
4. If the petitioner defaults in making the payment of overdues or regular EMI consecutively for two months, respondents are at liberty to proceed against the vehicle in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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