

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. 15146 of 2015 (P)

PETITIONER :

**JOHN,
S/O.IYYAPPAN, AGED 50 YEARS,
THEKKEKARA HOUSE, CHEMMATHATTA P.O., PAZHUNANA
THRISSUR DISTRICT.**

**BY ADVS.SRI.SOORAJ T. ELENJICKAL
SMT.P.M.MAZNA MANSOOR**

RESPONDENT(S) :

- 1. THE GURUVAYUR CO-OPERATIVE URBAN BANK LIMITED,
F-1652, GURUVAYUR
REPRESENTED BY ITS AUTHORISED OFFICER.**
- 2. THE DEPUTY GENERAL MANAGER,
THE GURUVAYUR CO-OPERATIVE URBAN BANK LIMITED
F-1652, GURUVAYUR.**

R1 & R2 BY ADV. SMT. T.P.LEKSHMI VARMA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 15146 of 2015 (P)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: THE TRUE COPIES OF THE IDENTITY CARDS ISSUED TO THE MOTHER
 OF THE PETITIONER AND TO THE PETITIONER.**
- EXT. P2: TRUE COPY OF THE DEMAND NOTICE DATED 10.07.2014 ISSUED TO
 THE PETITIONER FROM RESPONDENT BANK.**
- EXT. P3: THE TRUE COPY OF THE NOTICE MEMO ISSUED BY THE ADVOCATE
 COMMISSIONER TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15146 of 2015

Dated this the 11th day of June, 2015

J U D G M E N T

The petitioner availed a loan from the respondent Bank in the year 2012. Due to default in repayment of the loan amount, the Bank initiated 'SARFAESI' proceedings. The same is under challenge in this writ petition.

2. The learned counsel for the petitioner submitted that, the petitioner has no objection in selling any portion of the land for satisfying the liability excluding the residential house. It is also submitted that, the total extent of the property would come around 68 cents.

3. In the said circumstances, I am of the view that, the Bank shall make every endeavour to exclude the residential house and sell such portion of the land which would satisfy the liability of the petitioner. Therefore, this writ petition is disposed of with the following directions :

The Bank shall earmark such extent of the land to satisfy the liability of the petitioner. The petitioner shall not raise any objection regarding the earmarking of the land by the Bank for the purpose of sale. The Bank, before proceedings for sale, shall take proper valuation in respect of the earmarked portion of the land. It is made clear that, if the Bank is unable to sell such portion of the land to

recover the loan amount, the Bank is free to proceed against the entire property. All coercive proceedings shall be deferred until reliefs as above are worked out.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV