

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 15358 of 2015 (T)

PETITIONER :

**SURENDRAN,
S/O.KUNHIKKANNAN, AGED 56 YEARS,
CHERIYAVARAMPATHU HOUSE, URALLUR P.O,
KOYILANDY, KOZHIKODE.**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENT :

**KOZHIKODE DISTRICT CO-OPERATIVE BANK LIMITED.,
REPRESENTED BY ITS AUTHORISED OFFICER, HEAD OFFICE,
P.B NO.503, CHELAPPURAM P.O, KOZHIKODE.PIN-670 001**

BY ADV. SRI.R.SUDHISH, SC, KOZHIKODE DIST.CO.OP. BANK, LTD.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 15358 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE RELEVANT PAGE OF THE LOAN PASS BOOK OF THE PETITIONER**
- P2: TRUE COPY OF THE NOTICE OF INSPECTION AND INTIMATION OF TAKING POSSESSION OF THE PROPERTY IM CMP.762/2015**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 15358 of 2015

Dated this the 28th day of May, 2015

J U D G M E N T

The petitioner impugns the SARFAESI proceedings as per Ext.P2. The petitioner submits that being a chronic diabetic patient he was unable to raise any funds to pay off the liability and if he is given one year time, he will clear the entire dues.

2. It is submitted that the liability is more than Rs.2,70,000/-. The secured asset is the residential building. The petitioner submits that he has no other means to pay off the liability.

3. I am of the view that the petitioner shall settle the entire dues to bank within a period of five months. However, if the petitioner cannot raise the the entire amount within five months, he shall make a request before the bank. The bank shall after verifying the health condition and other circumstances, shall consider the same to grant time.

4. In view of the above, the writ petition is disposed of. No coercive steps shall be taken against the petitioner for a period of five months, or such other period if the bank is willing to grant.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/