

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937**

**WP(C).No. 15480 of 2015 (H)**  
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**PETITIONERS:**  
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- 1. ANSAL, S/O.PATHROSE, AGED 50,  
CHERUPUSHPAM VILASOM, PERUMBUZHA P.O.,  
KERALAPURAM , KOLLAM.**
- 2. STELLA, W/O.ANSEL,  
CHERUPUSHPAM VILASOM, PERUMBUZHA P.O.,  
KERALAPURAM , KOLLAM.**

**BY ADV. SRI.ARUN BABU.**

**RESPONDENTS:**  
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- 1. DENA BANK, KOLLAM BRANCH,  
REPRESENTED BY ITS MANAGER IN CHARGE,  
NEAR DISTRICT HOSPITAL, KOLLAM- 691 013.**
- 2. AUTHORISED OFFICER,  
DENA BANK, KOLLAM BRANCH, PIN-691 001.**

**BY ADVS. SRI.PHILIP T.VARGHESE,  
SRI.THOMAS T.VARGHESE,  
SMT.ACHU SUBHA ABRAHAM,  
SMT.SUNANDA SUKUMARAN,  
SMT.K.R.MONISHA,  
SMT.CHITHRA CHANDRASEKHARAN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

WP(C).No. 15480 of 2015 (H)

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

**P1:- THE TRUE COPY OF THE RESIDENCE CERTIFICATE DATED 29/01/2015  
ISSUED TO THE PETITIONERS FROM SECRETARY KOTTANKARA  
PANCHAYATH.**

**P2:- THE TRUE COPY OF THE PASSBOOK OF THE PETITIONERS.**

**P3:- THE TRUE COPY OF THE NOTICE SERVED BY HAND ON 13/05/2015 BY  
THE 2ND RESPONDENT DATED 31/12/2014.**

**RESPONDENT'S EXHIBITS:- NIL.**

**//TRUE COPY//**

**P.A. TO JUDGE**

**rs.**

**A.MUHAMED MUSTAQUE, J.**

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W.P.(C).No.15480 of 2015  
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Dated this the 15<sup>th</sup> day of July, 2015

**J U D G M E N T**

The petitioners availed a housing loan from the respondent Bank in the year 2013. Due to some minor defaults, the loan was declared as NPA and 'SARFAESI' proceedings were initiated against the petitioners. The same is under challenge in this writ petition.

2. The petitioners submit that, they are prepared to clear the overdue amount and the Bank may be directed to regularise the account.

3. The learned Standing Counsel for the Bank submits that, the overdue amount is ₹1,00,000/- and the total liability is more than ₹7,00,000/-.

Considering the facts and circumstances, this writ petition is disposed of with the following directions :

1. The petitioners shall remit an amount of ₹50,000/- (Rupees Fifty thousand only) on or before 10.08.2015 along with regular EMI and another amount of ₹50,000/- (Rupees Fifty thousand only) within one month thereafter along with regular EMI.
2. If the petitioners comply with the above conditions, the Bank shall regularise the account.

3. If the petitioners fail to honour any one of the conditions stipulated above, the Bank is free to proceed against the petitioners.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE.**

AV