IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 15627 of 2015 (C)

PETITIONER :

RAJAN,
AGED 49 YEARS, S/O.VELU,
NEELAMKODE HOUSE,
THIRUVAZHYAD P.O.,
AYALUR, PALAKKAD
PIN – 678 510.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT :

THE FEDERAL BANK LIMITED,
NEMMARA BRANCH, NEMMARA,
ALATHUR, PALAKKAD,
REPRESENTED BY ITS MANAGER-678 541.

BY ADVS. SRI.MOHAN JACOB GEORGE
SMT.P.VPARVATHI
SMT.REENA THOMAS

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

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WP(C).No. 15627 of 2015 (C)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1- **TRUE COPY OF THE DISCHARGE SUMMARY ISSUED FROM THE DAYA GENERAL HOSPITAL & SPECIALITY SURGICAL CENTRE ALONG WITH MRI SCAN REPORT.**

EXT. P2- **TRUE COPY OF THE MEDICAL CERTIFICATE DATED 23.5.2015 ISSUED FORM THE THARAYIL AYURVEDA HOSPITAL VADAKKENCHERRY.**

EXT. P3- **THE PHOTOCOPY OF THE NOTICE IN C.M.P NO.1861/2015 FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD DATED 18.5.2015.**

RESPONDENT(S)' EXHIBITS : NIL
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//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.15627 of 2015

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Dated this the 7th day of July, 2015

JUDGMENT

The petitioner availed a housing loan from the respondent Bank. The petitioner, impugning SARFAESI proceedings, has approached this Court. According to the Bank, the overdue amount as on today is around Rs.2,88,000/- and the total liability is more than Rs.11 lakhs. The petitioner prays before this Court to permit him to clear the overdue amount and direct the Bank to regularise the loan account.

Taking note of the facts and circumstances, following directions are issued:

i. The petitioner shall clear the overdue amount along with regular EMI from 5.8.2015 in four equal monthly instalments.

ii. If the petitioner remits the above amount, the Bank shall regularize the account.

iii. If the petitioner commits default in repayment of anyone of the instalments, the Bank is free to proceed against the petitioner from the stage where it is stopped.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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