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.15752 of 2015 (T)

PETITIONER:

FAREEDA,W/O.SULAIMAN,AGED 44 YEARS,
MEEPUGIRI HOUSE,PARAKKATTA ROAD,
R.D.NAGAR POST,KASARAGOD.

BY ADV.SRI.S.JIJI

RESPONDENT'S:
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1. THE KASARAGOD DISTRICT CO-OPERATIVE BANK LTD,
KASARAGOD MAIN BRANCH,KASARAGOD DISTRICT-671 121,
REPRESENTED BY ITS MANAGER.

2. THE AUTHORISED OFFICER UNDER SARFAESI ACT,
THE KASARAGOD DISTRICT CO-OPERATIVE BANK LIMITED,
HEAD OFFICE,KASARAGOD,P.B.NO.48,NAYAK'S ROAD,
KASARAGOD DISTRICT-671 121.

R1-R2 BY SRI.JAWAHAR JOSE,SC,KASARAGOD 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:

pk

WP(C).No.15752 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:

P1: **TRUE COPY OF THE NOTICE DTD.21.5.2014 ISSUED BY THE 2ND RESPONDENT.**

P2: **TRUE COPY OF THE NOTICE OF POSSESSION ISSUED BY THE 2ND RESPONDENT DTD.19.11.2014.**

P3: **TRUE COPY OF THE NOTICE DTD.27.4.2015 ISSUED FROM THE CJM COURT,KASARAGOD.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15752 of 2015

Dated this the 28th day of May, 2015

J U D G M E N T

The petitioner impugns 'SARFAESI' proceedings. The petitioner has availed a Housing Loan for ₹3,60,000/- in the year 2006 and a Consumption Loan for ₹8,00,000/- in the year 2010.

2. It is submitted by the learned counsel for the Bank that, the liability of the petitioner on Consumption Loan is ₹11,88,750/- and the period is over. It is further submitted that, the liability of the petitioner towards the Housing Loan is more than four lakhs and the overdue amount is ₹2,36,000/- and that, if the petitioner clears the entire overdue amount towards Housing Loan, they could regularise the said Loan. But they cannot regularise the Consumption Loan as the period is already over.

3. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the Bank.

4. The petitioner's request for regularisation of the loan account cannot be considered by this Court. If at all the petitioner is entitled, she has to make a request before the Bank to reschedule the entire loan in some other manner.

Considering the facts and circumstances of the case, this writ petition is disposed of directing the petitioner to approach the Bank for consideration of rescheduling the loan within a period of ten days from today. On receipt of such a request, the Bank shall consider the same within a further period of one month. To work out all the alternatives the petitioner is given three months time. Till that period, all the coercive proceedings shall be deferred to.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV