

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 16407 of 2015 (A)

PETITIONER(S):

- 1. JYOTHI. V., W/O.RAMADAS, AGED 39 YEARS,
WORKING AT DESABANDHU SCHOOL,
PANAMANNA SOUTH, RESIDING AT KAYARAT HOUSE,
PANAMANNA SOUTH, OTTAPPALAM VILLAGE,
OTTAPPALAM TALUK, PALAKKAD DISTRICT- 679 501.**
- 2. RAMADAS, AGED 46 YEARS,
S/O.UNNIKRISHNAN NAMBIAR, KAYARAT HOUSE,
PANAMANNA SOUTH, OTTAPPALAM VILLAGE,
OTTAPPALAM TALUK, PALAKKAD DISTRICT- 679 501.**

BY ADV. SRI.K.P.BALAGOPAL.

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER,
HOUSING DEVELOPMENT FINANCE CORPORATION LIMITED,
HDFC HOUSE, POST BAG NO.1667, RAVIPURAM JUNCTION,
M.G. ROAD, KOCHI-682 015.**
- 2. THE BRANCH MANAGER,
HOUSING DEVELOPMENT FINANCE CORPORATION LTD.,
THRISSUR-680 001.**

**BY SRI.K.K. CHANDRAN PILLAI, SENIOR SC,
ADV. SMT.SAMBILY,SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT-P1: TRUE COPY OF THE DEMAND NOTICE DATED 07/11/2013 UNDER SUB SECTION 2 OF SECTION 13 OF THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 SENT BY THE 1ST RESPONDENT.

EXHIBIT-P2: TRUE COPY OF THE JUDGMENT DATED 28/02/2014 PASSED BY THIS HON'BLE COURT IN WRIT PETITION (CIVIL) NO.5125/2014.

EXHIBIT-P3: TRUE COPY OF THE POSSESSION NOTICE PUBLISHED IN MATHRUBHUMI DAILY (THRISSUR EDITION) DATED 06/06/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.16407 of 2015

Dated this the 8th day of June, 2015

J U D G M E N T

The petitioners, defaulters, have approached this Court in W.P. (C).No.5125/2015 and this Court granted six equal monthly installment facility to them. They did not comply with the conditions. Thereafter, the Bank took possession and now proceeding with the sale of the property. Hence, they filed the present writ petition.

2. The learned Standing Counsel for the Bank would submit that, if the petitioners deposit ₹2,00,000/- immediately, they shall be given three equal monthly installment facility to pay the balance amount.

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

The petitioners shall deposit ₹1,00,000/- (Rupees One lakh only) on or before 30.06.2015 and pay further amount of ₹1,00,000/- (Rupees One lakh only) on or before 30.07.2015 and thereafter, pay the balance amount along with future interest in four equal monthly installments. If the petitioners commit default in complying with the above directions, the Bank is at liberty to proceed for sale of the property in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.