IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 16658 of 2015 (F)
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PETITIONER(S):
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1. NAJEEB, AGED 42 YEARS,
   S/O.ABOOBACKERKUNJU, KAVARATTU PADEETTATHIL,
   KRISHNAPURAM P.O., KAYAMKULAM.

2. RAMLA BEEVI,
   AGED 37 YEARS, W/O.NAJEEB, KAVARATTU PADEETTATHIL,
   KRISHNAPURAM P.O., KAYAMKULAM.

BY ADVS.SRI.SANTHARAM.P
SRI.SAJU RAGHAVAN

RESPONDENT(S):
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1. M/S.SUNDARAM BNP PARIBAS HOME FINANCE LIMITED,
   SUNDARAN TOWERS, 4TH FLOOR, NO.46
   WHITES ROAD, CHENNAI, HAVING ITS BRANCH OFFICE AT
   SECOND FLOOR, CENTER POINT, K.P.ROAD,
   KAYAMKULAM.

2. THE AUTHORISED OFFICER,
   M/S.SUNDARAN BNP PARIBAS HOME FINANCE LTD. -DO-

BY ADV. SRI.VARGHESE C.KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

**WP(C).No. 16658 of 2015 (F)**
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**
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|---|---|
| **EXT.P1** | **TRUE COPY OF THE LOAN RECALL NOTICE ISSUED TO THE FIRST PETITIONER UNDER SECTION 13 (2)OF THE SARFAESI ACT DATED 01.11.2014** |
| **EXT.P2** | **TRUE COPY OF THE ORDER IN CMP NO.1346/2015 IN MC 176/2015 DATED 22.04.2015** |
| **EXT.P3** | **TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FIRST RESPONDENT DATED 30.05.2015.** |

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

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.MUHAMED MUSTAQUE, J.**

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W.P.(C) No.16658 of 2015

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Dated this the 17th day of August, 2015

**JUDGMENT**

Petitioners have approached this Court challenging SARFAESI proceedings. The petitioners availed housing loan from respondents. The petitioners' only prayer is that they may be permitted to clear the overdue amount and the respondents may be directed to regularize the loan account.

2. It is submitted by the learned standing counsel for the respondent Bank that the total overdue amount is more than Rs.8 lakhs.

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

i. The petitioners are directed to remit Rs.2 lakhs within one month from today.

ii. Thereafter, the petitioners shall discharge the balance overdue amount in six equal monthly instalments along with regular EMI from the succeeding month onwards.

iii. If the petitioners clear the amount as above, the respondents shall regularize the loan account.

iv. However, if the petitioners commit default in remitting anyone of the instalments, the respondents are free to proceed against the petitioners in accordance with law.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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