IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 17038 of 2015 (D)

PETITIONER:

LAILA, W/O.SALIM,
KOVILAKATHU VELI,
MANNAMCHERRY, ALAPPUZHA, PIN

BY ADVS.SRI.DARSAN SOMANATH
SRI.N.MANU THAMPI

RESPONDENT(S):
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1. AUTHORISED OFFICER,
   THE FEDERAL BANK LTD.,
   THE CHIEF MANAGER, MAIN BRANCH,
   ALAPPUZHA, PIN - 688 011.

2. BRANCH MANAGER,
   THE FEDERAL BANK LTD.,
   MANNAMCHERRY BRANCH, PIN - 688 538.

BY ADVS. SRI.P.RADHAKRISHNAN (1)
SRI.MADHU RADHAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 17038 of 2015 (D)

<u>APPENDIX</u>

PETITIONER(S)' EXHIBITS:

EXHIBIIT P1 :	**THE TRUE COPY OF THE DEMAND NOTICE ISSUED UNDER SECTION 13(2) OF SARFAESI ACT DATED 25/03/2014.**
EXHIBIT P2 :	**TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE RESPONDENT BANK DATED 19/11/2014.**
EXHIBIT P3 :	**THE TRUE COPY OF THE NOTICE ISSUED BY ADVOCATE COMMISSIONER IN CMP NO 1001/2015 IN MC NO 130/2015 OF CHIEF JUDICIAL MAGISTRATE COURT, ALAPPUZHA DATED 18/05/2015.**
EXHIBIT P4 :	**THE TRUE COPY OF THE RECEIPTS OF THE AMOUNT DEPOSITED BY THE PRINCIPAL BORROWER WITH THE RESPONDENT BANK.**

<u>RESPONDENTS' EXHIBITS</u>: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.17038 of 2015

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Dated this the 3rd day of July, 2015

JUDGMENT

The petitioner is a first guarantor to a loan availed by her son, namely, Shameer.S.A. The term of the cash credit facility is over. The total due from the petitioner is around Rs.3,59,000/-. The petitioner impugns SARFAESI proceedings.

2. The petitioner submits that the borrower may be permitted to renew the cash credit facility and she may be granted an instalment facility to pay the entire amount due.

3. Learned counsel for the respondent Bank opposes the prayer of the petitioner and submits that the petitioner is liable to pay the entire amount due.

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

i. The petitioner shall pay the entire amount due in eight equal monthly instalments starting from 25.7.2015.

ii. If the petitioner makes a request before the Bank to consider the renewal of cash credit facility, the same shall be considered in accordance with the norms of the Bank.

iii. If the petitioner commits default in paying anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE

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