

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 17173 of 2015 (V)

PETITIONER:

**SMITHA JAMES, RANDANIKKAL HOUSE,
KURICHITHANAM P.O., KOTTAYAM.**

BY ADV. SRI.N.MAHESH

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER,
STATE BANK OF TRAVANCORE,
(ASSOCIATE OF STATE BANK OF INDIA)
CHIEF MANAGER (ADV.), REGION -3,
STATE BANK OF TRAVANCORE, ZONAL OFFICE,
KOTTAYAM - 686 610.**
- 2. THE MANAGER,
STATE BANK OF TRAVANCORE,
MARANGATTUPALLY,
KOTTAYAM - 686 610.**

BY ADV. SRI.R.S.KALKURA, SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 17173 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE STATEMENT OF ACCOUNTS STATING THE REMITTANCE MADE BY THE PETITIONER TOWARDS THE AFOREMENTIONED LOAN ISSUED BY THE 2ND RESPONDENT DATED NIL.**
- P2: TRUE COPY OF THE NOTICE DATED 5/1/2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**
- P3: TRUE COPY OF THE NOTICE DATED 20/5/2015 ISSUED BY SRI.SAJI MATHEW KOONTHANAM UNDER THE INSTRUCTIONS OF 2ND RESPONDENT.**

RESPONDENTS' EXHIBITS & ANNEXURES:

- ANNEXURE R1: TRUE COPY OF THE STATEMENT OF ACCOUNTS PERTAINING TO A/C NO.67186602993 OF THE PETITIONER.**

//TRUE COPY//

P.S. TO JUDGE

mbr

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.17173 of 2015

Dated this the 20th day of July, 2015

J U D G M E N T

The petitioner availed a housing loan from the respondent Bank in the year 2012. On account of default in repaying the loan amount, the Bank initiated 'SARFAESI' proceedings. The same is under challenge in this writ petition.

2. The petitioner disputes the liability. According to the petitioner, the overdue amount claimed by the Bank is not correct. The Bank claims that, the overdue amount is around ₹5,22,000/-. According to the petitioner, the overdue amount is only ₹1,50,000/-.

3. This Court cannot decide the disputed question of fact relating to the liability. The petitioner has an efficacious alternative remedy. Therefore, the petitioner shall avail such remedy.

Accordingly, this writ petition is disposed of with liberty to the petitioner to approach the Debts Recovery Tribunal. However, coercive steps against the petitioner shall be deferred for a period of six weeks on condition that, the petitioner remits an amount of ₹1,50,000/- within one month.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

