

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 17570 of 2015 (U)

PETITIONER(S):

**ANIL KUMAR K.,
S/O.LATE KUNJUPAPPAN, AGED 40 YEARS,
RESIDING AT 'KUNNUMPURATHU HOUSE', AYAMKUDY P.O.,
KADUTHURUTHY, KOTTAYAM DISTRICT, PIN - 686 613.**

**BY ADVS.SRI.SAIJU S.
SRI.P.H.RISHAD
SRI.GIREESH PANKAJAKSHAN**

RESPONDENT(S):

**UNION BANK OF INDIA,
KOTTAYAM REGIONAL OFFICE, 1ST FLOOR, ZAC COMPLEX,
KODIMATHA, KOTTAYAM - 686 013,
REPRESENTED BY ITS AUTHORISED OFFICER
UNDER THE SARFAESI ACT 2002.**

BY ADV. SRI.A.S.P.KURUP, SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 17570 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- THE TRUE COPY OF THE JUDGMENT DATED 5.12.2013 PASSED BY THE THE
HONOURABLE HIGH COURT IN WRIT PETITION NO.29919 OF 2013.**

**P2- THE TRUE COPY OF THE SALE NOTICE DATED 25.4.2015, ISSUED BY THE
RESPONDENT BANK TO THE PETITIONER, UNDER THE SECURITISATION AND
RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY
INTEREST ACT 2002.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J.

W.P.(C). No. 17570 of 2015

Dated this the 30th day of June, 2015

J U D G M E N T

The petitioner impugnes SARFAESI proceedings. Earlier the petitioner had approached this Court in WP(C) No.29919/2013. In Ext.P1 judgment, this Court permitted the petitioner to pay the amount in 8 equal monthly instalments starting from 15.01.2014. It is admitted that the petitioner fails to honour the entire conditions. Accordingly, the Bank has taken steps to sell the secured assets.

2. Thereafter the petitioner approached the DRT in S.A. No.243/2014 and the same was closed on account of want of details.

3. The petitioner again approached this Court challenging the sale proceedings. This Court directed the petitioner to remit ₹25,000/- on or before 12.06.2015 and another sum of ₹25,000/- on or before 25.06.2015. It appears that the petitioner deposited ₹25,000/-, however he has not remitted ₹25,000/- payable on 25.06.2015.

4. The petitioner submits that he is prepared to discharge

the entire liability. I am not impressed with the arguments of the petitioner as he has already availed sufficient opportunity. However taking note of the fact that, the sale could not be materialised for want of bidders, further opportunity shall be given to the petitioner to wipe off the liability on following conditions:

- (i) The petitioner shall remit ₹25,000/- as ordered by this Court to be paid on 25.06.2015 by 10.07.2015.
- (ii) Thereafter the petitioner shall pay another sum of ₹50,000/- within one month thereafter.
- (iii) If the petitioner complies with the conditions as above, the petitioner should be given further two months to settle the entire liability.

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.