IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 17675 of 2015 (H)

PETITIONER :

MOHAMMED BASHEER,
S/O. MAHAROOB, PUNNEKKOTTAYIL HOUSE, VARAPETTY P.O.
KOTHAMANGALAM, ERNAKULAM, PIN- 686 691.

BY ADV. SMT.E.V.MOLY

RESPONDENT :

STATE BANK OF INDIA,
KOTHAMANGALAM BRANCH, KOTHAMANGALAM
ERNAKULAM, PIN- 686 691
REPRESENTED BY ITS AUTHORISED OFFICER.

BY ADV. SRI.TOM K.THOMAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

WP(C).No. 17675 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1- **TRUE COPY OF THE NOTICE RECEIVED BY THE BORROWER, THE WIFE OF THE PETITIONER DATED 17/01/2015.**

EXHIBIT-P2- **TRUE COPY OF THE POSSESSION NOTICE DATED 27/02/2015 RECEIVED BY THE PETITIONER'S WIFE.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.17675 of 2015

Dated this the 16th day of June, 2015

<u>J U D G M E N T</u>

The petitioner challenges 'SARFAESI' proceedings in this writ petition initiated by the Bank in respect of a housing loan availed by him. The petitioner submits that, he is prepared to regularise the account, if the Bank permits him to clear the overdue amount.

2. In alternative, the petitioner prays before this Court for effecting the payment in easy installments.

3. The learned Standing Counsel for the Bank submits that, the account of the petitioner has become NPA in the year 2010 and no benefit can be extended to the petitioner.

Considering the facts and circumstances of the case, this writ petition is disposed of directing the petitioner to remit an amount of ₹50,000/- (Rupees Fifty thousand only) on or before 29.06.2015 and another amount of ₹50,000/- (Rupees Fifty thousand only) on or before 30.07.2015. Thereafter, the petitioner shall pay the entire liability within four months. If the petitioner fails to comply with any of the directions stipulated above, the Bank is at liberty to proceed against the petitioner in accordance with law. To work out above reliefs, coercive proceedings against the petitioner shall be kept in abeyance.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV