

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 17763 of 2015 (U)

PETITIONER:

**ISMAIL FAIZAL ABDUL SAMAD,
S/O.FAIZAL ABDUL SAMAD, AGED 28,
RESIDING AT 'SMILING' HOUSE,
KOTTAYIL KOVILAKAM KARA,
CHENNAMANGALAM.P.O.,
CHENNAMANGALAM VILLAGE,
NORTH PARAVOOR TALUK,
ERNAKULAM DISTRICT, PIN - 683 502.**

**BY ADVS.SRIP.S.SUJETH
SMT.M.R.REENA**

RESPONDENT(S):

- 1. THE CHIEF MANAGER/AUTHORIZED OFFICER,
INDIAN BANK, ALUVA BRANCH,
KAP COMMERCIAL CENTRE, R S ROAD, ALUVA,
ERNAKULAM DISTRICT, PIN - 683 513.**
- 2. THE BRANCH MANAGER, INDIAN BANK,
NORTH PARAVUR BRANCH,
ERNAKULAM DISTRICT, PIN - 683 513.**

BY SRI.S.EASWARAN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- EXT. P1 : TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE SALE OFFICER,
DATED 10.4.2015.
- EXT. P2 : TRUE COPY OF THE REPRESENTATION GIVEN TO THE BRANCH
MANAGER, DATED 15.4.2015.
- EXT. P3 : TRUE COPY OF THE STATEMENT OF ACCOUNT SHOWING THE
TRANSACTION IN THE ABOVE LOAN ACCOUNT DATED 1.1.2014 TO
27.12.2014.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17763 of 2015

Dated this the 12th day of June, 2015

JUDGMENT

The petitioner approached this Court threatened by SARFAESI proceedings. The petitioner availed an overdraft facility. The period is over. The petitioner submits that the overdue amount is only Rs.2.5 lakhs and the unit is functioning. Therefore, the Bank may be directed to renew the overdraft facility after clearing the overdue amount.

2. The learned counsel for the Bank submits that the Unit is not functioning and closed down. Therefore, the Bank cannot accept the request of the petitioner.

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

1. If the petitioner clears the entire overdue amount,
the Bank shall consider the petitioner's
application for renewal.

2. The petitioner is also make available before the Bank with the details to show that the Unit is functioning.
3. Even if it is functioning, necessarily, the Bank shall take a decision in accordance with relevant regulation.
4. To work out all the reliefs as above, all the coercive steps against the petitioner shall be deferred for a period of two months on condition that the petitioner deposits Rs.2.5 lakhs on or before 25.6.2015.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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