

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 18463 of 2015 (G)

PETITIONERS:-:

**V.M. HANEEFA,
S/O.VATTAPARAMPIL AHAMMED, KARIYANNUR,
ERUMAPETTY DESOM, THALAPPILLY TALUK.**

BY ADV. SRI.MAHESH V.MENON.

RESPONDENTS:-:

- 1. THE STATE BANK OF TRAVANCORE,
KUNNAMKULAM, THRISSUR,
REPRESENTED BY ITS CHIEF MANAGER, PIN - 680 580.**
- 2. THE CHIEF MANAGER (AUTHORIZED OFFICER),
THE STATE BANK OF TRAVANCORE,
KUNNAMKULAM, THRISSUR - 680 580.**

BY ADV. SRI.K.JAYESH MOHANKUMAR, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 18463 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. A TRUE COPY OF JUDGMENT IN WP(C).NO.27808/2014 OF THIS HON'BLE COURT DATED 02.06.2015.

EXHIBIT P2. TRUE COPY OF REPORT ADVOCATE COMMISSIONER IN CMP NO.5109/2014 BEFORE THE CJM COURT, THRISSUR DATED 11.11.2014.

EXHIBIT P3. TRUE COPY OF LETTER ISSUED BY THE AMALA INSTITUTE OF MEDICAL SCIENCE, THRISSUR DATED 26.12.2014.

EXHIBIT P4. TRUE COPY OF ORDER IN IA NO.1469/2015 IN WP(C).NO.27808/2014 OF THIS HON'BLE COURT DATED 05.02.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.18463 of 2015

Dated this the 19th day of June, 2015

J U D G M E N T

The petitioner availed three loans from the respondent Bank. Consequent to default in repaying the same, the Bank initiated 'SARFAESI' proceedings.

2. The petitioner has already approached this Court in an earlier writ petition for the same relief and this Court granted certain installment facilities to the petitioner. On account of breaches, the petitioner again approached this Court with an extension petition. The same was also allowed by Ext.P4 order.

3. The petitioner submits that, he has paid substantial part of the liability and the liability now remains is only for an amount of ₹ 28,44,000/- out of ₹60 lakhs. It is further submitted that, he may be given some installment facility to pay off the liability.

4. Considering the facts and circumstances of the case, I am of the view that, this Court cannot grant the relief sought by the petitioner as he has already availed the same benefit. However, the dispossession shall be deferred for a period of two months on condition that, the petitioner remits an amount of ₹5,00,000/- (Rupees Five lakhs only) on or before 29.06.2015 and another

amount of ₹5,00,000/- (Rupees Five lakhs only) on or before 25.07.2015. If the petitioner fails to honour the conditions, the Bank is at liberty to proceed against the petitioner.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV