IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18657 of 2015 (F)

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PETITIONER(S) :

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SHAJAHAN M.S, AGED 43 YEARS,
S/O.MOHAMMED SALI, RESIDING AT YASNA MANZIL,
KALLUVETTNKUZHI, VIZHINJAM,THIRUVANANTHAPURAM.

BY ADVS.SRI.S.JUSTUS
SRI.JUDIT SEBASTIAN

RESPONDENT(S) :

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1. THE AUTHORIZED OFFICER,
   SYNDICATE BANK, REGIONAL OFFICE, SASTHAKRIPA COMPLEX,
   HOSPITAL ROAD, SASTHAMANGALAM,
   THIRUVANANTHAPURAM- 695 010.

2. THE SENIOR BRANCH MANAGER,
   SUNDICATE BANK, SASTHAMANGALAM,
   THIRUVANANTHAPURAM- 695 010.

BY ADV. SRI.R.S. KALKURA, S.C, SYNDICATE BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

**WP(C).No. 18657 of 2015 (F)**
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**
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**EXHIBIT P1:** **THE TRUE COPY OF THE EMAIL SENT BY THE 2ND RESPONDENT**

**EXHIBIT P2:** **THE TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE 1ST RESPONDENT DATED 18.06.2015.**

**RESPONDENT(S)' EXHIBITS :**
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**A. MUHAMED MUSTAQUE, J.**
**-----------------------------------------**
**W.P.(C). No. 18657 of 2015**
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**Dated this the 23rd day of June, 2015**

**J U D G M E N T**

The petitioner availed housing loan. The petitioner approached this Court consequent upon dispossession pursuant to SARFAESI proceedings.

2. The overdue amount is ₹1.61 lakhs and the total liability is around ₹19 lakhs. The petitioner submits that, he is prepared to clear the overdue amount and the Bank may be directed to regularise the account.

3. The learned counsel for the Bank opposes the prayer of the petitioner. It is submitted that, the Bank has already approached the Chief Judicial Magistrate Court under Section 14 of the SARFAESI Act, four times and the petitioner able to get over each occasion by remitting the overdue amount due at the relevant point of time. It is submitted that the petitioner is a chronic defaulter and the Bank cannot show any leniency.

4. Considering the fact that the secured asset is a residential building and taking note of the stand of the Bank, I am of the view that the petitioner shall pay a sum of ₹4 lakhs within two weeks. If the petitioner remits ₹4 lakhs as above,

the Bank shall return the secured asset to the petitioner. The petitioner shall continues to pay the regular EMI from the month of August, 2015 onwards without any fail. On payment of ₹4 lakhs, the account shall be regularised.

The writ petition is disposed of.

Sd/-

**A. MUHAMED MUSTAQUE, JUDGE.**

Pn