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. 18710 of 2015 (K)
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PETITIONER(S):

ARIFA, AGED 32 YEARS,
D/O.YOUSUF, THE LATE, PAKYARA HOUSE,
UDUMA P.O., HOSDURG, KASARAGOD DISTRICT-671 319.

BY ADVS.SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENT(S):
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1. THE BANK OF INDIA,
ZONAL OFFICE, KERALA ZONE, KALOOR TOWERS,
KALOOR-KADAVANTHRA ROAD, COCHIN-682 017,
REPRESENTED BY ITS CHIEF MANAGER & AUTHORIZED OFFICER.

2. THE PRINCIPAL OFFICER/SENIOR BRANCH MANAGER,
BANK OF INDIA, KASARAGOD BRANCH, KASARAGOD-671 121.

BY SRI.C.A.JOY

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

PJ

WP(C).No. 18710 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. **TRUE COPY OF THE NOTICE DATED 19/10/2012 ISSUED BY THE 1ST RESPNODENT**

EXT.P2. **TRUE COPY OF THE JUDGMENT DATED 16/12/2014 IN WPC NO.32900/2014.**

EXT.P3. **TRUE COPY OF THE DEATH CERTIFICATE DATED 30/4/2015 ISSUED BY THE HEALTH AUTHORITY, ATU DHELI, UNITED ARAB AMIRATES.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

W.P.(C). No. 18710 of 2015
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Dated this the 23rd day of June, 2015

J U D G M E N T

The petitioner is the legal heir of one Sri.Yousuf. Late Sri.Yousuf availed housing loan from the respondent Bank. Consequent upon default, the Bank initiated SARFAESI proceedings. Sri.Yousuf approached this Court in WP(C) No.32900/2014. This Court granted instalment facility to discharge the overdue amount. The amount due at the relevant time was more than ₹3,97,419/-. It appears that Sri.Yousuf has paid a sum of ₹75,000/- and he failed to honour the other conditions in the judgment.

2. Sri.Yousaf was an NRI. He passed away on 29.04.2015. It seems that, consequent upon non-payment of the amount as per the directions of this Court, Bank taken coercive steps.

3. The learned counsel for the petitioner submits that, she is expecting employment benefits from UAE due to late Yousaf and she will be able to discharge the entire liability on receipt of the same from the employer of Sri.Yousaf.

4. Taking into account of humanitarian consideration, I am of the view that, the petitioner shall be given two months time to clear the overdue amount. Therefore the Bank shall defer all coercive steps against the petitioner for a period of two months. If the petitioner clears the entire overdue amount within two months, the account shall be regularised by executing a fresh loan agreement with the petitioner, in accordance with the norms of the Bank.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn