IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 18831 of 2015 (D)

PETITIONER :

SANDHYA
W/O.KRISHNAN NAIR, 9/86, CHRIYADITHALAKKAL
KURISUMUTTOM, PEYAD P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.A.CHANDRA BABU

RESPONDENT(S) :
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1. AUTHORIZED OFFICER,
STATE BANK OF INDIA, VALIYAVILA BRANCH,
VIJAYA BUILDING, VALIYAVILA, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

2. THE BRANCH MANAGER
STATE BANK OF INDIA, VALIYAVILA BRANCH
VIJAYA BUILDING, VALIYAVILA, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

R1 & R2 BY ADV. SRI.R.S.KALKURA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

WP(C).No. 18831 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. **COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT IN WP(C) NO. 4323/15.**

EXHIBIT P2. **COPY OF THE CASH REMITTANCE SLIP DATED 3.3.15.**

EXHIBIT P3. **COPY OF THE PETITIONERS ACCOUNT STATEMENT ENTERED IN HER PASS BOOK.**

EXHIBIT P4. **COPY OF THE ORDER PASSED BY THE CJM COURT, THIRUVANANTHAPURAM IN MC 448/15.**

RESPONDENT(S)' EXHIBITS : NIL
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//TRUE COPY//

P.A. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 18831 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner availed a vehicle loan from the respondent-Bank. He has approached this Court challenging SARFAESI proceedings in earlier occasion by filing W.P(C) No.4323/2015 dated 25.02.2015. This Court granted instalment facility to wipe off the overdue amount. The petitioner did not honour the entire conditions. Therefore, the Bank took possession.

2. The petitioner also seeks for return of the vehicle and submits that he is prepared to clear the overdue amount.

3. This Court is of the view that the petitioner had already availed an opportunity, a further opportunity to clear the overdue amount cannot be given.

Considering the facts and circumstances, the following directions are issued :

The petitioner clears the entire liability which comes around Rs.1,78,000/- in four equal monthly instalments, the Bank shall return the vehicle to the petitioner. The first instalment shall be paid on or before 15.09.2015 and followed

15th of every month thereon. However, if the petitioner commits default in remitting any one of the instalments, the Bank is free to sell the vehicle and take appropriate amount. If the petitioner clears two of the instalments, the Bank shall return the vehicle to the petitioner. On an undertaking now given by the petitioner before this Court in the event of further default, they will surrender the vehicle to the Bank. The Bank shall also provide a statement of accounts.

The writ petition is disposed of as above. No costs.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr