IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 19578 of 2014 (V)

PETITIONER :

MEERA HARIDASAN, AGED 44 YEARS,
W/O HARIDASAN, KATTISSERY HOUSE, CHITTATTUKARA P.O,
THRISSUR DISTRICT.

BY ADV. SRI.RAJIT

RESPONDENTS :

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1. THE AUTHORISED OFFICER,
   STATE BANK OF INDIA, REGIONAL OFFICE,
   BHARATHA KSHEMAM BUILDING, ST.THOMAS COLLEGE ROAD,
   THRISSUR DISTRICT, PIN-680005.

2. STATE OF INDIA,
   PAVARATTY BRNACH, JOY VILLA, MAIN ROAD,
   PAVARATTY, THRISSUR DISTRICT,
   REPRESENTED BY THE BRANCH MANAGER -680005.

R1-R2 BY SC-SRI.TOM K.THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19578 of 2014 (V)

APPENDIX

PETITIONER'S EXHIBITS :-

EXHIBIT P1 TRUE COPY OF THE JUDGMENT OF THIS COURT DATED 10-12-2013 IN W.P.(C)No.30352/2013.
EXHIBIT P2 TRUE COPY OF THE ORDER DATED 10-03-2014 IN I.A NO 3718/2014 IN W.P.(C)No.30352/2013 OF THIS COURT.
EXHIBIT P3 TRUE COPY OF THE STATEMENT OF ACCOUNTS ISSUED BY THE BANK IN RESPECT OF THE LOAN ACCOUNT OFTHE PETITIONER.
EXHIBIT P4 TRUE COPY OF THE NOTICE DATED 23-07-2014 ISSUED BY THE ADVOCATE COMMISSIONER.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRAN, J.

W.P.(C)No.19578 of 2014

Dated this the 6th day of October, 2015

JUDGMENT

The petitioner, who availed a housing loan of ₹48,00,000/- from the respondent Bank, has filed this Writ Petition seeking a writ of certiorari to quash Ext.P4 notice issued by the Advocate Commissioner and seeking a writ of mandamus commanding the respondents to regularise the housing loan and to grant instalment facility for clearing the defaulted amount.

2. On 4.8.2014, this Court passed the following order:-

> "There will be an interim stay against dispossession of the petitioner from the property pursuant to Ext.P4 notice, provided the petitioner remits the overdue amounts in 3 equal monthly instalments along with payment of the equated monthly instalments, without any default. The payment with respect to the overdue amount shall be made on or before 15-8-2014 and on or before the 15th day of 2 succeeding months. The regular instalments shall be paid on the respective due dates."

3. Today when the case was taken up for final hearing the learned counsel for the petitioner would submit that he has no instruction from the petitioner as to the present status of the loan account.

4. On the other hand the learned Standing Counsel for the respondent Bank would submit that the petitioner has already complied with the interim order regarding the payment of the overdues amounting to ₹4,40,000/- and that she is also remitting the regular monthly instalments. But, there was delay in remitting some of the regular monthly instalments. Therefore the learned Standing Counsel would submit that this Writ Petition may be closed reserving the right of the respondent Bank to proceed against the petitioner in case she commits any default in remitting the regular monthly instalments.

In such circumstances, recording the aforesaid submission made by the learned Standing Counsel for the respondent Bank, this Writ Petition is closed giving liberty to the respondent Bank to proceed against the petitioner in case she commits any default in remitting the regular monthly instalments.

Sd/-
ANIL K.NARENDRAN, JUDGE

skj

True copy

P.A to Judge