

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 19728 of 2015 (M)

PETITIONER(S):

**MUNEER, AGED 42 YEARS,
S/O.KOYAKUNJU VAIDYAR, PROPRIETOR OF THEMEEM STORES,
XIX/588A, VIJAYA BANK COMPLEX, NH BYE PASS,
NETOOR P.O, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SHANKAR V.
SRI.RAJESH NARAYANAN**

RESPONDENT(S):

**THE STATE BANK OF TRAVANCORE,
PERUMANOOR, COCHIN SHIPYARD BRANCH, ERNAKULAM,
KOCHI-15,
REPRESENTED BY ITS AUTHORISED OFFICER-682 015.**

**BY ADVS. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 19728 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE JUDGMENT WPC 1529/15 DT.28-1-15.

EXT.P2 : TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT DT.16-5-15.

**EXT.P3 : TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE RESPONDENT
DTD.2-6-15.**

**EXT.P4 : TRUE COPY OF THE COPY OF THE RECEIPT EVIDENCING PAYMENT OF
RS.70,000/-**

**EXT.P5 : TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE
RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.19728 of 2015

Dated this the 2nd day of July, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings, approached this Court in W.P.(C) No.1529/2015. This Court ordered the petitioner to clear the overdue amount as on 20.2.2015 and direct the Bank to regularize the account. It appears that the petitioner committed some default in paying the amount. However, the petitioner has paid the certain amount after the period granted by this Court. The petitioner submits that he is prepared to pay the entire overdue amount as on today and the Bank may be directed to regularize the account.

2. Learned counsel for the Bank opposes the prayer of the petitioner and submits that the cash credit facility availed by the petitioner was renewed from time to time and the Bank cannot now extend any facility to the petitioner.

Taking note of the fact that the petitioner is willing to clear the entire overdue amount, I am of the view, the Bank shall take a

lenient view in the matter. Accordingly, following directions are issued:

1. The petitioner shall deposit the entire overdue amount within two weeks from today.
2. If the petitioner deposits the amount as above, the Bank shall consider the request to renew the cash credit facility in accordance with the norms as requested by the petitioner in Ext.P5.
3. To work out the above reliefs, all further proceedings against the petitioner shall be deferred for a period of one month.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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