

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No.19768 of 2015 (U)

PETITIONERS:

1. **SMT.NISHA,W/O.N.M.RAGHAVAN,ARUN NIVAS,
PERAMBRA P.O,KOZHIKODE DISTRICT.**
2. **SRI.N.M.RAGHAVAN,S/O.GOVINDAN NAIR,
ARUN NIVAS,PERAMBRA PO,KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENTS:

1. **KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD,
(REG NO.F 1635) PERAMBRA BRANCH,PERAMBRA PO,
KOZHIKODE DISTRICT,PIN-673525,
REPRESENTED BY ITS BRANCH MANAGER.**
2. **THE AUTHORISED OFFICER,
KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD,
(REG NO F 1635) HEAD OFFICE (RECOVERY DIVISION),
P.B NO.503,KALLAI ROAD,CHALIPPURAM PO,
KOZHIKODE DISTRICT,PIN-673002.**

R1,R2 BY SRI.R.SUDHISH,SC,KOZHIKODE DIST.CO.OP. BANK, LTD.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.19768 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:

**P1:- THE TRUE COPY OF THE POSSESSION NOTICE PUBLISHED IN THE
DEEPIKA DAILY DTD 3/6/2013.**

**P2:- THE TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE
COMMISSIONER.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 19768 of 2015

Dated this the 1st day of July, 2015

JUDGMENT

Petitioners availed a housing loan. The petitioners impugn SARFAESI proceedings. The only request made before this Court is that the petitioners may be permitted to discharge the entire liability in equal monthly instalments.

2. Learned counsel for the Bank opposes the prayer of the petitioners and submits that the total liability of the petitioners is Rs.8,96,717/-.

Taking note of the facts and circumstances, this writ petition is disposed of with the following directions:

1. The petitioners shall deposit Rs.1,00,000/- on or before 25.7.2015.
2. If the petitioners pay the above amount, the petitioners shall be given nine equal monthly instalments to pay the balance amount, commencing from the month of August, 2015.
3. If the petitioners fail to honour any of the conditions, the Bank is at liberty to proceed against the petitioners in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE