

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 19817 of 2015 (B)

PETITIONER :

**K.S.KUMAR,
S/O.SREEDHARAN PILLAI, RESIDING AT VRN-10,
T CHATTAMBISWAMI ROAD, POOJAPPURA P.O.,
THIRUVANANTHAPURAM -695 006.**

**BY ADVS.SRI.P.A.AHAMMED
SRI.THOUFEEK AHAMED**

RESPONDENT(S):

**1. CANARA BANK,
SASTHAMANGALAM BRANCH,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS CHIEF MANAGER.**

**2. AUTHORISED OFFICER,
CANARA BANK, SASTHAMANGALAM BRANCH,
THIRUVANANTHAPURAM.**

R1 & R2 BY SRI.PAULY MATHEW MURICKEN,SC,CANARA BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 19817 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE SALE DEED NO.1849/2008 DATED 19.5.08 OF SUB
REGISTRY OFFICE, CHALAI.**
- EXHIBIT P2. COPY OF THE TAX RECEIPT NO.1016895 DATED 27.4.15.**
- EXHIBIT P3. COPY OF THE NOTICE NO.REF.0821/256/1402 DATED 17.3.15 ISSUED
BY THE 2ND RESPONDENT.**
- EXHIBIT P4. COPY OF THE ADVERTISEMENT IN MATHRUBHUMI DAILY DATED
21.6.15.**
- EXHIBIT P5. COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE
1ST RESPONDENT DATED 21.6.15.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.19817 of 2015

Dated this the 6th day of July, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings, has approached this Court. The petitioner availed credit facility from the respondent Bank. The term of the credit facility is over. The total due is around Rs.40 lakhs. The sale is scheduled on 30.7.2015. The only request made before this Court is that the petitioner may be permitted to discharge the entire liability in instalments.

2. Learned counsel for the Bank opposes the prayer of the petitioner and submits that the petitioner has to pay the entire amount due to the Bank.

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

- i) The petitioner shall deposit Rs.4 lakhs (Rupees four lakhs only) on or before 29.7.2015.
- ii) If the petitioner deposits the amount as above, the petitioner shall be given eight instalments to pay the balance amount starting from succeeding months.

- iii) If the petitioner commits default in repayment of anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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