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. 19870 of 2015 (G)

PETITIONER:

A.BHASKARAN, AGED 66,
S/O. KELU, VADAKKEPARAMBIL HOUSE,
THAMARASSERY (P.O), KOZHIKODE DISTRICT.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENT(S):

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1. AUTHORISED OFFICER,
   KOZHIKODE DISTRICT CO OPERATIVE BANK LIMITED,
   KALLAI ROAD, KOZHIKODE, PIN - 673 002.

2. KOZHIKODE DISTRICT CO-OPERATIVE BANK LIMITED,
   HEAD OFFICE, KALLAI ROAD, KOZHIKODE, PIN - 673 002,
   REPRESENTED BY ITS BRANCH MANAGER.

BY SRI.R.SUDHISH, SC

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

mbr/

WP(C).No. 19870 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: **TRUE COPY OF THE DEMAND NOTICE DATED 29-09-2014.**

EXHIBIT P2: **TRUE COPY OF THE NOTICE DATED 21-10-2014.**

EXHIBIT P3: **TRUE COPY OF THE RECEIPT DATED 24-01-2015.**

EXHIBIT P4: **TRUE COPY OF THE NOTICE DATED 15-01-2015.**

EXHIBIT P5: **TRUE COPY OF THE NOTICE DATED 19-06-2015.**

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.19870 of 2015

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Dated this the 2nd day of July, 2015

JUDGMENT

The petitioner availed a housing loan from the respondent Bank. The petitioner impugns SARFAESI proceedings.

2. Learned counsel for the Bank opposes the prayer of the petitioner to grant an instalment facility. According to the Bank, the total overdue amount is around Rs.1,26,000/- and the total liability is around Rs.3,80,000/-.

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

1. The petitioner shall discharge the entire liability in ten equal monthly instalments along with regular EMI starting from the month of July, 2015.
2. If the petitioner clears the overdue amount along with regular EMI within the time indicated above, the account shall be regularised.
3. If the petitioner commits default in paying 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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