

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 20159 of 2015 (T)

PETITIONER(S) :

**ALI.K.B., S/O. BEERAVU,
KANAYAMKUDY, KUTTAMSSERRY, THOTTUMUGHAM.P.O.,
ALUVA, PIN- 683 105.**

BY ADV. SRI.B.PREMNATH (E)

RESPONDENT(S):

- 1. THE AUTHORIZED OFFICER,
KERALA GRAMIN BANK, REGIONAL OFFICE, DANFOSS ARCADE,
DOOR NO.48/24A-3, POTTAKKUZHY JUNCTION, PERANDLOOR ROAD,
ERNAKULAM, COCHIN- 26.**
- 2. KERALA GRAMIN BANK,
HEAD OFFICE AT MALAPPURAM, PIN- 673 505
REPRESENTED BY THE CHIEF MANAGER.**
- 3. NORTH MALABAR GRAMIN BANK,
KAKKAT BUILDING, NEAR PRIVATE BUS STAND,
OPPOSITE FIRE STATION, ALUVA P.O., PIN- 683 101.**

BY ADV. SRI.T.R.RAVI, S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT P1: TRUE COPY OF THE POSSESSION NOTICE ISSUED BY
 THE 1ST RESPONDENT TO THE PETITIONER, DATED 03/03/2014.**
- EXT P2: TRUE COPY OF THE MEDICAL RECORDS OF THE PETITIONER.**
- EXT P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY
 THE PETITIONER TO THE HONOURABLE CHIEF MINISTER OF
 KERALA DATED 29/06/2015.**
- EXT P4: TRUE COPY OF THE NOTICE OF THE ADVOCATE COMMISSIONER
 TO THE PETITIONER DATED 24/06/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 20159 of 2015

Dated this the 30th day of July, 2015

JUDGMENT

The petitioner impugning SARFAESI proceedings has approached this Court.

2. The learned counsel for the Bank submits that the total liability of the petitioner in three loan accounts is around Rs. 18,00,000/-.

3. The learned counsel for the petitioner submits that the petitioner was a driver by profession and he is now undergoing for a treatment for heart ailment.

4. It appears that the he is not in a position to discharge the entire liability. The secured assets is a residential property and having an extent of 6.9 cents of land.

5. The petitioner also make request to repay the amount by way of 15 instalments.

6. The learned counsel for the Bank opposed the prayer of the petitioner and submits that after availing loan, the petitioner has paid only a portion amount of Rs. 47,000/-.

7. This Court is of the view that the petitioner should be given some breathing time to discharge entire liability or to vacate the premises.

8. Taking note of the facts and circumstances, that the asset secured of the petitioner is a residential building, the petitioner is given three months time from today to settle the entire liability or to vacate the premises. All coercive steps shall be deferred for a period of three months.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr