IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 20437 of 2014 (D)
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PETITIONER(S):
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T.K.THULASI, AGED 42 YEARS,
W/O.SIVADAS, THULASI BHAVAN, KRISHNAKRIPA,
PATHIRICODE P.O, MALAPPURAM- 679 326.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENT(S) :
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1. STATE BANK OF INDIA,
REPRESENTED BY THE GENERAL MANAGER,
THIRUVANANTHAPURAM- 695 001.

2. STATE BANK OF INDIA,
EDATHANTTUKARA BRANCH,
REPRESENTED BY ITS BRNACH MANAGER,
MANNARKKAD, PALAKKAD- 678 582.

3. THE AUTHORISED OFFICER,
STATE BANK OF INDIA, REGIONAL BUSINESS OFFICE,
PALAKKAD- 678 001.

BY ADV. SRI.N.RAJAGOPALAN NAIR
BY ADV. SRI.S.EASWARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

**WP(C).No. 20437 of 2014 (D)**
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## APPENDIX

**PETITIONER(S)' EXHIBITS :**
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**EXHIBIT P1:** TRUE COPY OF THE STATE OF ACCOUNTS FOR THE PERIOD FROM 29-10-2008 TO 03-12-2012.

**EXHIBIT P2:** TRUE COPY OF THE JUDGEMENT DATED 03-01-2013 IN W.P.(C).NO.30866/2012.

**EXHIBIT P3:** TRUE COPY OF THE STATEMENT OF ACCOUNTS FOR THE PERIOD FROM 01-12-2012 TO 06-09-2013.

**EXHIBIT P4:** TRUE COPY OF THE POSSESSION NOTICE ISSUED UNDER SEC 13(4) R/W RULE 8(1) OF THE SARFAESI ACT DATED 30.08.2013.

**EXHIBIT P5:** TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.22424/2013 DATED 10-09-2013.

**EXHIBIT P6:** TRUE COPY OF THE PAYMENT RECEIPTS DATED 23.08.2013, 01.11.2013, 10.05.2014, 30.06.2014, 30.06.2014.

**EXHIBIT P7:** TRUE COPY OF THE NOTICE ISSUED ON THE BASIS OF THE PROCEEDINGS OF JFMC, PALAKKAD CRL.MP. 2390/2014

**EXHIBIT P8:** TRUE COPY OF THE REPRESENTATION DATED 02-08-2014 SUBMITTED BY THE PETITIONER.

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

//TRUE COPY//

P.A.TO JUDGE.

Msd.

**A. MUHAMED MUSTAQUE, J.**

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**W.P(C). No. 20437 of 2014**

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**Dated this the 7th day of August, 2015**

**JUDGMENT**

The petitioner availed two loans, housing loan as well as cash credit facility from the respondent Bank. In respect of the housing loan the term is not over and in respect of the cash credit term is over.

The overdue amount in housing loan is ₹24,237/- and total liability in cash credit is nearly ₹73,000/-.

In view of the facts and circumstances, following directions are issued:

(i) Petitioner shall remit the overdue amount in housing loan along with regular EMI in 2 instalments starting from 20.08.2015.

(ii) if the petitioner clears the amount as above, the petitioner shall be given four equal monthly instalments to clear the cash credit facility starting from the succeeding month onwards.

(iii) If the petitioner fails to honour any one of the conditions, the Bank is free to proceed against the petitioner.

This writ petition is disposed of.

Sd/-

**A. MUHAMED MUSTAQUE, JUDGE.**

Pn