IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 20668 of 2015 (G)

PETITIONER(S):

1. SURESH UNNITHAN, AGED 59 YEARS,
   S/O. PARAMESWARAN UNNITHAN, VRINDAVANAM,
   TC NO. 18/1330-2, ARAMADA P.O., TRIVANDRUM - 32.

2. PADMAJA UNNITHAN, AGED 59 YEARS,
   SURESH UNNITHAN, S/O. PARAMESWARAN UNNITHAN,
   VRINDAVANAM, T.C NO. 18/1330-2, ARAMADA P.O.
   TRIVANDRUM - 32.

   BY ADV. SRI.M.R.SUDHEENDRAN

RESPONDENT(S):

1. THE AUTHORISED OFFICER, UCO BANK,
   ZONAL OFFICE, ERNAKULAM - 20.

2. UCO BANK,
   REPRESENTED BY ITS MANAGER, MATTANCHERY, COCHIN - 02.

3. FRANCIS SEBASTIAN,
   DOOR NO. 50/1667, SOYUS LANE, K.P.VALLON ROAD, KOCHI - 20.

* ADDL.R4 TO R6 IMPLEADED

4. THE AUTHORISED OFFICER, STATE BANK OF INDIA,
   RACPC, THIRUVANANTHAPURAM-33

5. STATE BANK OF INDIA REPRESENTED BY ITS MANAGER,
   KAZHAKOOTTAM BRANCH-695581.

6. STATE BANK OF INDIA REPRESENTED BY ITS MANAGER,
   STATUE BRANCH, THIRUVANANTHAPURAM-33.

ADDL.R4-6 ARE IMPLEADED AS PER ORDER DATED 10/7/2015 IN IA.9738/2015

R1 & 2 BY ADV.SRI.GEORGE KARITHANAM VARGHESE, SC
R4-6 BY ADV.SRI.R.S.KALKURA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

WP(C).No. 20668 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - **TRUE COPY OF THE LOAN SANCTIONING LETTER DT. 08.7.08 ISSUED BY THE RESPONDENT BANK.**

P2 - **TRUE COPY OF THE LOAN SANCTIONING LETTER DT. 08.1.10 ISSUED BY THE RESPONDENT BANK.**

P3 - **A TRUE COPY OF THE NOTICE DT. 01.9.14.**

P4 - **TRUE COPY OF THE RECEIPTS EVIDENCING THE PAYMENT ON 27.9.14.**

P5 - **TRUE COPY OF THE RECEIPTS EVIDENCING THE RE-PAYMENT OF LOAN DURING THE MONTH OF APRIL 2015.**

P6 - **TRUE COPY OF THE POSSESSION NOTICE DT. 01.7.15 ISSUED BY THE RESPONDENT BANK.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

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W.P(C). No. 20668 of 2015

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Dated this the 10th day of July, 2015

J U D G M E N T

Petitioner availed 4 loans from the respondent Bank. The petitioner impugns SARFAESI proceedings. The total overdue amount is around ₹2.23 lakhs and the total liability is more than ₹40 lakhs.

2. Petitioner submits that he is prepared to pay the overdue amount and the Bank may be directed to regularise the account.

3. Considering the facts and circumstances, following directions are issued:

(i) Petitioner shall discharge overdue amount in six monthly instalments starting from 29.07.2015 along with regular EMI.

(ii) If petitioner clears the overdue amount along with the EMI within the time indicated above, the Bank shall regularise the account.

(iii) If the petitioner commits default in paying any one of the instalment, the Bank is free to proceed against the petitioner.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn