

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 20890 of 2015 (I)

PETITIONER(S):

**BHARATH KUMAR V.K., AGED 43 YEARS,
S/O.LATE KRISHNANKUTTY NAIR,
VELLAYAKODATH HOUSE, S.B.PURAM,
SREEMOLLANAGARAM, KALADY,
ERNAKULAM DISTRICT, PIN - 683 580.**

**BY ADVS.SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.HARIDAS P.NAIR
SRI.M.A.VINOD
SRI.K.R.RAMESH
SMT.B.SABITHA (DESOM)
SMT.K.JYOTHY**

RESPONDENT(S):

- 1. THE BRANCH MANAGER, STATE BANK OF TRAVANCORE,
MINALLOOR (ATHANI) BRANCH, THRISSUR DISTRICT - 680 581.**
- 2. THE AUTHORIZED OFFICER, CHIEF MANAGER,
STATE BANK OF TRANVANCORE, ZONAL OFFICE,
REGION 2, THRISSUR - 680 001.**
- * ADDITIONAL R3 IMPEADED**
- 3. KADERSHA MUSTHAF, VATHISSERY HOUSE,
CHELAMATTOM, OKKAL, PERUMBAVOOR,
ERNAKULAM DISTRICT.**
- * IS IMPEADED AS ADDITIONAL 3RD RESPONDENT AS PER ORDER
DTD.10.8.2015 IN IA.11644/2015.**

**R1 & R2 BY ADVS. SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 20890 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: THE TRUE COPY OF THE OS.NO.70/2015 FILED BY THE RESPONDENT
BEFORE THE MUNSIFF COURT, ALUVA.**

EXT.P2: THE TRUE COPY OF NOTICE ISSUED BY 2ND RESPONDENT ON 3.6.2015.

**EXT.P3: THE TRUE COPY OF TENDER NOTICE PUBLISHED BY THE NEWSPAPER
MATHRUBHOOMI ON 15.6.2015.**

EXT.P4: THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv**/**

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 20890 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

The petitioner impugning SARFAESI proceedings has approached this Court.

2. The property of the petitioner was put in auction and additional 3rd respondent has deposited initial amount.

3. The learned counsel for the petitioner submits that the petitioner is prepared to discharge the entire liability if an opportunity is given to him.

4. The learned counsel for the Bank opposed the prayer of the petitioner. The notice for 3rd respondent has been served and he has not chosen to appear before this Court.

5. Though, the property has been auctioned, the sale has not been confirmed in favour of the 3rd respondent.

6. In that view of the matter, the petitioner is permitted to pay the entire amount due in two equal monthly instalments. The first instalment shall be paid on or before 05.09.2015 and the second instalment shall be paid on or before 15.10.2015.

7. If the petitioner fails to pay any one of the above instalments, the respondent-Banks are free to proceed against the petitioner in accordance with law and also to confirm the sale already taken place, if 3rd respondent is willing.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr