

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 21066 of 2015 (G)

PETITIONER:

**N.K.KRISHNANKUTTY,
S/O.UNNIKANNA, AGED 48 YEARS,
KIZHAKKE THONIYOT HOUSE,
P.O.PANNIKOTTOOR, KODUVALLY,
KOZHIKODE.**

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S):

- 1. KOZHIKODE DISTRICT CO OPERATIVE BANK LTD.,
REPRESENTED BY ITS SECRETARY,
HEAD OFFICE, P.B.NO.503,
P.O.CHALAPPURAM, KOZHIKODE, PIN - 673 002.**
- 2. AUTHORISED OFFICER/SENIOR MANAGER,
KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, P.B.NO.503, P.O.CHALAPPURAM,
KOZHIKODE, PIN - 673 002.**
- 3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
KOZHIKODE, PIN - 673 001.**

**R1 & R2 BY SRI.R.SUDHISH, SC
R3 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. TRUE COPY OF LATEST TAX RECEIPT DATED 22.05.2015 OF THE PETITIONER'S PROPERTY.
- EXHIBIT P2. TRUE COPY OF DEMAND NOTICE
NO.HO:R.CELL/SARFAESI/610/NKN/CLD 2011-12 DATED 03.10.2011
ISSUED UNDER SECTION 13(2) OF THE SARFAESI ACT ISSUED BY THE
RESPONDENT TO THE PETITIONER.
- EXHIBIT P3. TRUE COPY OF POSSESSION NOTICE
NO.HO.R.CELL/SARFAESI/610/NKN/CLD 742/11-12 DATED 07.06.2012
ISSUED UNDER SECTION 13(4) OF THE SAID ACT.
- EXHIBIT P4. TRUE COPY OF NOTICE DATED 13.06.2015 ISSUED BY THE BANK
THROUGH ADVOCATE COMMISSIONER IN CMP NO.462 OF 2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21066 of 2015

Dated this the 15th day of July, 2015

JUDGMENT

The petitioner availed a personal loan from the respondent Bank. The petitioner, impugning SARFAESI proceedings, has approached this Court.

2. According to the learned counsel for the Bank, the total liability is around Rs.3,60,000/-. The petitioner submits that he is a coolie and he is unable to discharge the entire liability. The petitioner also submits that he is attempting to sell a portion of the property to recover the amount.

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

- i. The petitioner shall deposit Rs.25,000/- within six weeks from today.
- ii. Thereafter, the petitioner shall discharge the entire liability by depositing Rs.10,000/- every month from succeeding month onwards for a period of five months and pay the entire balance amount in lump sum in the sixth month.

- iii. If the petitioner fails to comply with the above directions, the Bank is free to proceed against the petitioner in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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