IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 21103 of 2015 (K)

PETITIONER :

THRIDEEP KUMAR, AGED 42 YEARS,
S/O.APPUKUTTAN, TC 80/2712(32/110), PRADEEP BHAVAN,
MADAVAPURAM, KADAKKAMPALLI VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS :

THIRUVANANTHAPURAM DISTRICT CO OPERATIVE BANK LIMITED,
REPRESENTED BY AUTHORISED OFFICER, EAST FORT
THIRUVANANTHAPURAM-695023.

BY ADV. SRI.T.R.HARIKUMAR, SC,
BY SRI.T.R.HARIKUMAR, SC,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

WP(C).No. 21103 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: **TRUE COPY OF THE POSSESSION NOTICE DTD 15.6.2015 BY THE RESPONDENT TO THE PETITIONER.**

P2: **TRUE COPY OF THE MAHZAR DATED 15.6.15 ISSUED BY THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.21103 of 2015

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Dated this the 5th day of August, 2015

JUDGMENT

The petitioner availed a consumption loan from the respondent-Bank. On account of default in repaying the loan amount, the Bank initiated 'SARFAESI' proceedings. The same is under challenge in this writ petition.

The petitioner submits that he has been retrenched from a public sector undertaking and on account of that, he cannot discharge the entire liability in lump sum. Therefore he prays that he may be permitted to discharge the entire liability in 15 instalments.

The learned counsel for the respondent-Bank opposes the prayer of the petitioner and submits that the total liability of the petitioner is Rs.5,60,000/- along with mutual interest with incidental charges.

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

a) The petitioner shall remit Rs.25,000/- per month, commencing from 02.09.2015, for a period of 10 months, and thereafter in the succeeding month he shall discharge the entire liability in lump sum.

b) If the petitioner commits default in payment of any of the instalments, the Bank is free to proceed against the petitioner.

The above writ petition is disposed of accordingly.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

sm/