

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. 21146 of 2015 (P)  
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PETITIONER:  
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K.V.SHAMSU, AGED 44 YEARS  
S/O. MUHAMMED, KADAVANDIVALAPPIL HOUSE  
NIRAMARUTHOOR P.O., TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENT:  
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THE TIRUR URBAN CO-OPERATIVE BANK LTD.  
F.181, TIRUR, MALAPPURAM DISTRICT  
REPRESENTED BY M.GOVINDAN  
ASSISTANT GENERAL MANAGER IN CHARGE/AUTHORISED OFFICER  
PIN-676101.

BY SRI.M.SASEENDRAN,SC, URBAN CO.OP.BANK,TIRUR

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

WP(C).No. 21146 of 2015 (P)

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APPENDIX

PETITIONER'S EXHIBITS

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EXHIBIT P1- TRUE COPY OF THE C.M.P.NO. 2637/2014 FILED BY THE  
RESPONDENT BANK BEFORE THE C.J.M.MANJERI.

EXHIBIT P2- TRUE COPIES OF SOME OF THE RECEIPTS ISSUED BY THE  
RESPONDENT BANK ON VARIOUS DATES.

EXHIBIT P3- TRUE COPY OF THE DISCHARGE SUMMARY OF THE WIFE OF THE  
PETITIONER ISSUED FROM THE MES MEDICAL COLLEGE HOSPITAL,  
PERINTHALMANNA DATED 5-7-2013.

EXHIBIT P4- TRUE COPY OF THE COLOUR DOPPLER ECHO REPORT OF THE WIFE  
OF THE PETITIONER.

EXHIBIT P5- TRUE COPY OF THE ECHO REPORT OF THE PETITIONER ISSUED  
FROM METRO INTERNATIONAL CARDIAC CENTER (P) LTD. CALICUT  
DATED, 21-6-2014.

RESPONDENT'S EXHIBITS : NIL

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//TRUE COPY//

P.A.TO JUDGE

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**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No. 21146 of 2015**  
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Dated this the 5<sup>th</sup> day of August, 2015

**JUDGMENT**

The petitioner availed a consumption loan from the respondent Bank in the year 2010. As the loan was defaulted, the bank has initiated 'SARFAESI' proceedings. The same is under challenge in this writ petition.

2. The only prayer of the petitioner is that he may given instalment facility to discharge the entire liability. The counsel for the petitioner submits that he has paid Rs.75,000/- as ordered by this Court on 14.07.2015.

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

- a) The petitioner shall remit an amount of Rs.50,000/- (Rupees fifty thousand only) per month commencing from 02.09.2015, for a period of nine months and thereafter in the following month he shall remit the entire

balance amount in lump sum.

b) If the petitioner commits default in payment of any of the instalments, the Bank is at liberty to proceed against the petitioner, in accordance with law.

The above writ petition is disposed of accordingly.

Sd/-  
**A.MUHAMED MUSTAQUE**  
**JUDGE**

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