IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 21156 of 2015 (T)
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PETITIONER(S) :

A.SAIMON, AGED 55 YEARS,
S/O.ACHUTHAN, R.R.BHUVAN, MUNDAVANKUNNU,
NEYYAR DAM P.O., THIRUVANANTHAPURAM DISTRICT-695 572.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENT(S) :
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1. **KERALA STATE CO-OPERATIVE BANK LTD.,**
   STATUE BRANCH, REPRESENTED BY ITS MANAGER,
   K.S.C.B.LTD., STATUE, THIRUVANANTHAPURAM, PIN- 695 001.

2. **THE AUTHORISED OFFICER,**
   KERALA STATE CO-OPERATIVE BANK LTD., REGIONAL OFFICE,
   STATE CO-OPERATIVE BUILDING, OVER BRIDGE JUNCTION,
   THIRUVANANTHAPURAM-695 001.

   BY ADV. SRI.GEORGE POONTHOTTAM, S.C

   THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

WP(C).No. 21156 of 2015 (T)
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APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT-P1: **TRUE COPY OF THE REPRESENTATION DATED 18.04.2015 SUBMITTED BEFORE THE 1ST RESPONDENT.**

EXHIBIT-P2: **TRUE COPY OF THE ORDER DATED 25.05.2015 IN I.A.IN W.P.(C) NO.12937 OF 2015.**

EXHIBIT-P3: **TRUE COPY OF THE JUDGMENT DATED 10.06.2015 IN W.P.(C) NO.12937/2015.**

EXHIBIT-P4: **TRUE COPY OF THE NOTICE DATED 22.06.2015 ISSUED FROM THE BANK TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS :
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NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 21156 of 2015

Dated this the 17th day of August, 2015

<u>JUDGMENT</u>

The petitioner challenging SARFAESI proceedings has approached this Court. The petitioner, in fact, had also approached this Court on an earlier occasion and this Court granted some facility to wipe off the entire liability. However, the petitioner did not honour the conditions. Therefore, the Bank initiated SARFAESI proceedings.

2. It is now admitted by the learned counsel for the Bank that the petitioner has remitted around Rs.30,000/- towards arrears. It is submitted that the Bank has no objection in regularising the account, if the petitioner clears the overdue amount.

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

i) The petitioner shall remit regular EMI from this month onwards.

ii) The petitioner shall discharge the overdue amount of Rs.30000/- along with future interest, if any, within two months from today.

iii) If the petitioner commits default in remitting any one of the EMI or Rs.30,000/- along with the interest, the respondent-Bank is free to proceed against the petitioner in accordance with law.

iv) The Bank shall also issue a statement of accounts within three weeks.

The writ petition is disposed of as above. No costs.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr