

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 21342 of 2015 (P)

PETITIONER(S):

- 1. SHAMEER P.P, AGED 39 YEARS,
S/O KHAER V, PULIKKOOL, PO.PARAL,
THALASSERY, KANNUR-670 671**
- 2. KHADER.V, AGED 70 YEARS, S/O UMMER,
PULIKKOOL P.O.PARAL, THALASSERY,
KANNUR -670 671**

**BY ADVS.DR.K.P.PRADEEP
SRI.SHANAVAS NALAKATH RANDUPURAYIL**

RESPONDENT(S):

- 1. THE KANNUR DISTRICT CO-OPERATIVE BANK LTD.
HEAD OFFICE, OPP. STADIUM COMPLEX, KANNUR-670 001,
REPRESENTED BY ITS GENERAL MANAGER.**
- 2. THE AUTHORISED OFFICER/SENIOR MANAGER,
THE KANNUR DISTRICT CO-OPERATIVE BANK LTD, HEAD OFFICE,
OPP. STADIUM COMPLEX, KANNUR-670 001**

BY SMT.MEENA JOHN, SC, KANNUR DIST. CO.OP.BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 21342 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXRT.P1:** TRUE COPY OF THE NOTICE NO. CMP 2382/15 DT. 10/6/15 ISSUED BY THE CJM COURT, THALASSERY TO THE PETITIONERS.
- EXT.P2;** TRUE COPY OF THE PETITION IN CMP.NO. 2382/15 FILED BY THE 2ND RESPONDENT AGAINST THE PETITIONER BEFORE THE CJM COURT, THALASSERY.
- EXT.P3:** TRUE COPY OF THE REPRESENTATION DT. 1/7/15 SUBMITTED BY THE 2ND PETITIONER TO THE 1ST RESPONDENT.
- EXT.P4:** TRUE COPY OF THE PASS BOOK AS ON 26/7/14 IN LOAN ACCOUNT NO. LTNA 333 ON THE FILES OF THE 1ST RESPONDENT IN THE NAME OF THE 1ST PETITIONER.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21342 of 2015

Dated this the 21st day of July, 2015

JUDGMENT

The first petitioner availed a loan from the respondent Bank. The petitioners approached this Court impugning SARFAESI proceedings. The second petitioner approached the respondent Bank by Ext.P3 for settlement of liability after waiving interest as well as penal interest.

2. The prayer in this writ petition is for the consideration of Ext.P3 by the respondent Bank.

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

- i. The respondent Bank shall consider Ext.P3 within one month.
- ii. The petitioners shall deposit Rs.1 lakh on or before 17.8.2015.
- iii. If the petitioners request for one time settlement of the liability, not acceptable to the Bank, the Bank shall provide instalment facility to the petitioners to clear the overdue amount not less than in six instalments along with regular EMI from the month of September, 2015 onwards.

- iv. It is made clear that if the petitioners commit breach in honouring anyone of the above stipulations, the Bank is free to proceed against the petitioners.
- v. Coercive steps initiated against the petitioners shall be deferred in tune with the above directions.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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