IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 21770 of 2015 (U)

PETITIONER(S) :

SOPHIYA BEEVI,
SOPHIYA MANZIL, PARAYANKODU, KUNNIKODU P.O.,
KOLLAM DISTRICT, PIN-691 508.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)
SRI.S.SREEKUMAR (KOLLAM)
SRI.ANIL ELGIN
SRI.S.VINCENT
SRI.S.JOSE
SMT.SHEENAMOL VARGHESE

RESPONDENT(S) :

1. **THE AUTHORIZED OFFICER,**
   KOLLAM DISTRICT CO-OPERATIVE BANK, HEAD OFFICE,
   KOLLAM, PIN-691 001.

2. **THE BRANCH MANAGER,**
   THE KOLLAM DISTRICT CO-OPERATIVE BANK,
   KUNNIKODU BRANCH, KUNNIKODU P.O., KOLLAM, PIN-691 508.

3. **THE GENERAL MANAGER,**
   KOLLAM DISTRICT CO-OPERATIVE BANK, HEAD OFFICE,
   KOLLAM, PIN-691 001.

BY ADV. SRI.T.R.HARIKUMAR, S.C

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

WP(C).No. 21770 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE NOTICE NO.REC/B/2018718 DATED 28/11/2014 ISSUED BY THE FIRST RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE LETTER NO.REC.6/2013-14/7043 DATED 04/11/2014 ISSUED BY THE DEPUTY GENERAL MANAGER TO THE PETITIONER.

EXHIBIT P3: TRUE COPY OF THE POSSESSION NOTICE NO.REC/5/10-11 DATED 23/03/2015 ISSUED BY THE FIRST RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 14/07/2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 21770 of 2015

Dated this the 31th day of July, 2015

J U D G M E N T

Petitioner availed a loan from the respondent Bank. She has approached this Court challenging SARFAESI proceedings. Petitioner submits that, her husband deserted and on account of financial constrains she is unable to clear the loan amount. Petitioner's prayer is that, she may be given instalment facility to clear the overdue amount.

2. Learned counsel for the Bank opposes the prayer of the petitioner.

3. Taking note of the facts and circumstances, this Court is of the view that the petitioner should be given sufficient opportunity to clear the overdue amount.

4. Accordingly following directions are issued:

(i) The petitioner shall clear the overdue amount along with regular EMI in 10 monthly instalments starting from 20.08.2015.

(ii) If the petitioner clears the amount as above, the Bank shall regularise the account.

(iii) If the petitioner commits default in paying any one of the instalments, the Bank is free to proceed against the petitioner.

(iv) Coercive steps shall be deferred in tune with the above directions.

This writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE, JUDGE.

Pn