

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 22080 of 2015 (H)

PETITIONER(S):

1. JAYAPRAKASH,
S/O.GOPALAN ACHARY, RESIDING AT PRANAVAM,
KORANDIKUZHAYIL, KARIMPINPUZHA P.O, KARIKKAL MARI,
PAVITHRESWARAM VILLAGE, KOTTARAKARA TALUK,
KOLLAM DISTRICT, PIN -691 507
2. SUDHA JAYAPRAKASH, W/O.JAYAPRAKASH,
RESIDING AT PRANAVAM, KORANDIKUZHAYIL,
KARIMPINPUZHA P.O, KARIKKAL MARI,
PAVITHRESWARAM VILLAGE, KOTTARAKARA TALUK,
KOLLAM DISTRICT, PIN -691 507

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

RESPONDENT(S):

1. THE AUTHORIZED OFFICER,
CO-OPERATIVE URBAN BANK LTD.NO.1909,
HEAD OFFICE, KOTTARAKARA,
KOLLAM DISTRICT, PIN- 691 506
2. THE BRANCH MANAGER,
CO-OPERATIVE URBAN BANK LTD. NO.1909, PUTHOOR BRANCH,
KOTTARAKARA, KOLLAM DISTRICT, PIN -691 506
3. THE GENERAL MANAGER,
CO-OPERATIVE URBAN BANK LTD. NO.1909, HEAD OFFICE,
KOTTARAKARA, KOLLAM DISTRICT, PIN -691 506

BY ADV. SMT.DEEPA.V, SC, KOTTARAKKARA CO.OP. URBAN BANK LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 22080 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE NOTICE DATED 31.12.2014 ISSUED BY THE FIRST RESPONDENT UNDER SECTION 13(2) OF THE SECURITIZATION AND RE-CONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT
- P2: A TRUE COPY OF THE ADVOCATE COMMISSIONER'S NOTICE DATED 06.07.2015 IN CMP.NO.4242/2015 OF THE HON'BLE CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM
- P3: A TRUE COPY OF THE REPRESENTATION DATED 17.07.2015 SUBMITTED BY THE FIRST PETITIONER BEFORE THE THIRD RESPONDENT

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22080 of 2015

Dated this the 22nd day of July, 2015

JUDGMENT

Petitioners, impugning SARFAESI proceedings, have approached this Court. The first petitioner availed a loan from the respondent Bank. The second petitioner stood as guarantor to the said loan.

2. The petitioners submit that first petitioner is a driver by profession and the vehicle met with an accident. On account of this, regular EMI payable to the Bank has become in arrears. The only prayer of the petitioners is that they may be permitted to clear the overdue amount and the Bank may be directed to regularize the account.

3. Learned standing counsel for the Bank submits that the overdue amount is Rs.40,000/- and the total outstanding liability is Rs.1,81,000/-.

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

- i. The petitioners shall repay the overdue amount along with regular EMI in six equal monthly instalments starting from 20.8.2015 onwards.
- ii. If the petitioners clear the overdue amount as above along with regular EMI, the Bank shall regularise the account of the petitioners.
- iii. If the petitioners commit default in remitting anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.
- iv. In view of the above, revenue recovery proceedings initiated against the petitioners shall be deferred in tune with the above directions.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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