

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 22207 of 2015 (A)

PETITIONER:

**SHAHIJA,
W/O. RAGEESH,
AGED 30 YEARS,
RESIDING AT KOZHIKULANGARA,
P.O.PATHIYARAKARA, VATAKARA THALUK
KOZHIKODE DISTRICT - 673 104.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S):

- 1. KOZHIKODE DISTRICT CO-OPERATIVE BANK LIMITED,
REPRESENTED ITS AUTHORIZED OFFICER, KALLAI ROAD
KOZHKODE - 673 002.**
- 2. SECRETARY,
KOZHIKODE DISTRICT CO-OP BANK, LTD, MANIYOOR BRANCH
KOZHIKODE DISTRICT - 673 105.**

BY SRI.R.SUDHISH, SC, KOZHIKODE DIST.CO.OP. BANK, LTD.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 22207 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1- NOTICE ISSUED BY THE AUTHORIZED OFFICER OF THE FIRST
RESPONDENT 08/06/2012.**

**EXHIBIT P2- MEDICAL PRESCRIPTION ISSUED BY GENERAL HOSPITAL THALASSERY
DATED 13/11/14.**

EXHIBIT P3- NOTICE ISSUED BY ADVOCATE DILNA D.B DATED 20/11/14.

EXHIBIT P4- TRUE COPY OF THE JUDGMENT IN WP(C) 32259/14.

EXHIBIT P5- TRUE COPY OF RECEIPT OF PAYMENT DATED 24/06/2015.

RESPONDENTS EXHIBITS : NIL.

/TRUE COPY/

P.S.TO JUDGE

vmr.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22207 of 2015

Dated this the 23rd day of July, 2015

J U D G M E N T

The petitioner availed a loan from the respondent Bank in the year 2010. On account of default in repaying the loan amount, the Bank initiated 'SARFAESI' proceedings. The same is under challenge in this writ petition.

2. The petitioner has earlier approached this Court in W.P.(C). No.32259/2014. This Court by judgment dated 04.12.2014 directed the petitioner to discharge the entire liability in eight equal monthly installments starting from 20.12.2014. It appears that the petitioner has not complied with the directions in the said judgment. It also appears that the petitioner has remitted only partial amount. The petitioner now seeks for three months time to discharge the entire liability.

3. The learned Standing Counsel for the Bank submits that, three months time can be granted only if substantial amount is paid by the petitioner.

4. Considering the facts and circumstances, the petitioner is given three months time to discharge the entire liability on condition that, the petitioner remits an amount of ₹1,00,000/- (Rupees One lakh only) within three weeks from today and another amount of

₹50,000/- (Rupees Fifty thousand only) within a further period of three weeks.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV