

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

W.P. (C) .No. 22242 of 2015 (E)

PETITIONER :

MOLLY ABRAHAM,
AGED 46 YEARS,
W/O. ABRAHAM,
PATHIKKAL HOUSE,
KADAYANICADU P.O.
ULLAYANM,
KOTTAYAM DISTRICT-686550.

BY ADVS.SRI.THOMSTINE K.AUGUSTINE
SRI.K.C.THOMAS

RESPONDENTS :

1. M/S.INDUSIND BANK LIMITED,
KOTTAYAM BRANCH-686001
REPRESENTED BY ITS CHIEF MANAGER
AND AUTHORIZED OFFICER.
2. THE BRANCH MANAGER,
M/S. INDUSIND BANK LIMITED,
KANJIRAPPALLY BRANCH,
KOTTAYAM DISTRICT-686507.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24-07-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

bpr

W.P.(C) .No. 22242 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF THE REPAYMENT SCHEDULE ISSUED BY THE
RESPONDENT BANK.

EXT.P2 TRUE COPY OF THE STATEMENT SHOWING THE REPAYMENT
MADE BY THE PETITIONER.

EXT.P3 TRUE COPY OF THE CMP NO. 2056/2015 FILED BY THE
BANK BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT,
KOTTAYAM.

EXT.P4 TRUE COPY OF THE ORDER DATED 25-6-2015 IN
CMP NO.2056/2015 OF CHIEF JUDICIAL MAGISTRATE
COURT, KOTTAYAM.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

bpr

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 22242 of 2015

Dated this the 24th day of July, 2015

JUDGMENT

The petitioner availed a vehicle loan from the respondent-Bank. She has approached this Court challenging re-possession of the vehicle invoking SARFAESI proceedings. It appears that the vehicle has been re-posessed by invoking under Section 14 of the SARFAESI Act with the help of an Advocate Commissioner.

2. The petitioner has a case that while taking possession, an amount of Rs. 16,000/- was kept in the dashboard and therefore, that amount has to be returned to the petitioner.

3. The learned counsel for the Bank submits that the total liability is around Rs. 4,65,000/-. He refutes the contention of the petitioner and submits that while taking inventory, such a storage of cash was not noticed.

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

- i) The vehicle shall be returned to the

petitioner on remitting Rs. 50,000/- (Rupees Fifty Thousand Only) within a period of two weeks from today.

ii) The petitioner shall remit the balance overdue amount along with regular EMI in two equal monthly instalments from the succeeding month.

iii) If the petitioner clears the overdue amount as above, the Bank shall regularise the loan account.

iv) The respondent-Bank shall verify whether the petitioner has kept any cash or any other articles inside the vehicle.

v) If any other articles or cash are available, necessarily, that shall be returned to the petitioner.

This writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE