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. 22411 of 2015 (B)

PETITIONER(S):

SUBHA RAJAN,
2B, PRARTHANA NIKETHAN, NEAR WESTERN SUPER MARKET,
POONKUNNAM, TRISSUR.

BY ADV. SMT.MARY BEENA JOSEPH

RESPONDENT(S):
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1. THE AUTHORISED OFFICER, PUNJAB NATIONAL BANK,
CIRCLE OFFICER, 40/1461, MARKET ROAD,
II FLOOR, ERNAKULAM - 682 01.

2. THE MANAGER,
PUNJAB NATIONAL BANK, GURUVAYOOR BRNCH,
WEST NADA - 680 101.

BY ADV. SRI.SANTHEEP ANKARATH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 22411 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: A TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK ISSUED BY TH RESPONDENT BANK.

P2: A TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT BANK FOR A AMOUNT OF RS.45000/- DATED 28/6/2014.

P3: A TRUE COPY OF THE NOTICE DATED 1/6/2015 ISSUED BY THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS:
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NIL

//TRUE COPY//

P.S.TO JUDGE.

Ms**v/**

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.22411 of 2015

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Dated this the 31st day of July, 2015

<u>JUDGMENT</u>

The petitioner is a widow. Her husband passed away on 20.12.2014. The petitioner along with her sister-in-law, Smt.Suja Unnikrishnan had availed a housing loan from the respondent Bank in the year 2005 by mortgaging the property belonged to the deceased husband. The husband was employed in gulf and on account of the ailment, he returned back to India. Thereafter, after the prolonged illness, he died. It appears that the petitioner has no sufficient means to discharge the entire liability. The petitioner is attempting for private sale and to discharge the liability. Therefore, the petitioner seeks six months time to wipe off the entire liability due to the Bank. The liability to the Bank is around Rs.22 lakhs.

2. Learned counsel for the Bank opposes the prayer of the petitioner and submits that the Bank is entitled to proceed against the property.

3. In this case, it appears that owing to the reason that the petitioner has deprived of the regular income, she is unable to

discharge the liability. The *bona fide* of the petitioner has now been demonstrated by an attempt to sell the property to settle the liability to the Bank. Thus, a widow's plea cannot be turned down.

In such situation, merely because of the Bank has a right to proceed against the property, this Court is of the view that the petitioner should be given six months time to discharge the entire liability on the following conditions:

i. The petitioner shall remit Rs.1 lakh within one month from today.

ii. Thereafter, the petitioner shall remit Rs.25,000/- every succeeding month for a period of five months and in the ensuing month, the petitioner shall discharge the entire liability in lumpsum to the Bank.

iii. If the petitioner commits default in remitting anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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