

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 22414 of 2015 (B)

PETITIONERS :

1. ABDUREHIMAN M.P.,
S/O. MOHAMMED, AGED 63 YEARS
PUTHIYAPURAYIL HOUSE, KUMARANELLOOR P.O.,
MUKKAM, CALICUT-673602.
2. PATHUMMA V.N.,
W/O. ABDUREHIMAN M.P., AGED 60 YEARS
PUTHIYAPURAYIL HOUSE, KUMARANELLOOR P.O.,
MUKKAM, CALICUT-673602.
3. MOHAMMED AMJAS
S/O. ABDUREHIMAN M.P., AGED 33 YEARS
PUTHIYAPURAYIL HOUSE, KUMARANELLOOR P.O.,
MUKKAM, CALICUT-673602.
4. RIMJAS M.P.,
S/O. ABDUREHIMAN M.P., AGED 30 YEARS
PUTHIYAPURAYIL HOUSE, KUMARANELLOOR P.O.,
MUKKAM, CALICUT-673 602.

**BY ADVS.SRI.V.P.REGHURAJ
SRI.V.SHYAM**

RESPONDENTS :

1. UCO BANK
KOZHIKODE BRANCH,
JAYANTHI BUILDING, PALAYAM JUNCTION
KOZHIKODE-673001,
REPRESENTED BY THE BRANCH MANAGER.
2. AUTHORIZED OFFICER
UCO BANK, KOZHIKODE BRANCH, JAYANTHI BUILDING
PALAYAM JUNCTION, KOZHIKODE-673001.

R1 & R2 BY ADV. SRI.GEORGE KARITHANAM VARGHESE, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 22414 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1- THE TRUE COPY OF THE JUDGMENT DATED 9-6-2014 IN WP(C)
NO. 14449/2014 BEFORE THE HON'BLE COURT.**

**EXHIBIT P2- THE TRUE COPY OF THE NOTICE DATED 8-6-2015 OF THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 22414 of 2015

Dated this the 29th day of July, 2015

J U D G M E N T

Petitioners have approached this Court earlier in WP(C) No.14449/2014 challenging SARFAESI proceeding. This Court in Ext.P1 judgment directed the petitioners' to discharge the entire liability in 10 monthly instalments. It appears that the petitioners have only paid portion of the amount ordered by this Court. Accordingly, the Bank now initiated further proceedings to dispossess the petitioners and also for sale of the property. It is challenging the above action, the petitioners have approached this Court.

2. Since the petitioners were given sufficient time to discharge the liability as per Ext.P1 judgment, this Court does not find it necessary to interfere with the matter. However, taking note of the fact that the petitioners have already made some payments and they are prepared to settle the entire liability, within 2 months from today, it is ordered that the petitioners shall discharge the entire liability in 2 monthly instalments, the first of which shall be paid on or before 30.08.2015. The Bank is free to

proceed with SARFAESI proceedings notwithstanding the directions of this Court for sale of the property. However, actual dispossession from the residential building shall be deferred in tune with the above directions. The Bank shall also free to sell the secured assets excluding the residential building, after conducting a site inspection, if that is a workable solution.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

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