

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 22510 of 2015 (K)

PETITIONER(S):

- 1. S.PUSHPARAJAN, S/O.SATHYANESAN,
PROPRIETOR, AGED 67 YEARS,
PRASADAM FOOD PRODUCTS, SUBHANANDA NAGAR, PALUKAL
PARASSALA P.O., THIRUVANANTHAPURAM.**
- 2. GOMATHY.S., TC.2572, SANKARA SUBHA AYYAR STREET,
KARAMANA P.O., THIRUVANANTHAPURAM-2.**

BY ADV. SRI.S.S.RAJESH

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO HOME SECRETARY,
THIRUVANANTHAPURAM-695001.**
- 2. THE MANAGER, STATE BANK OF TRAVANCORE,
PARASSALA BRANCH, THIRUVANANTHAPURAM-695001.**
- 3. THE AUTHORISED OFFICER, STATE BANK OF TRAVANCORE,
PARASSALA BRANCH, THIRUVANANTHAPURAM-695001.**
- 4. THE REGIONAL MANAGER, STATE BANK OF TRAVANCORE,
REGIONAL OFFICE-CHENGALCHOOLA P.O.
HOUSING BOARD BUILDING, TRIVANDRUM-695001.**

**R1 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN
R2-4 BY SRI.B.JAYASHANKAR,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE LOAN PASS BOOK FOR THE LOAN OF RS.2 LAKHS OBTAINED BY PETITIONERS.**
- EXT.P2: TRUE COPY OF THE PASS BOOK OF THE CURRENT ACCOUNT MAINTAINED BY M/S.PRASADAM FOOD PRODUCTS.**
- EXT.P3: TRUE COPY OF THE LETTER DATED 11.8.2014 SENT BY THE 2ND RESPONDENT BANK TO THE PETITIONERS.**
- EXT.P4: TRUE COPY OF THE 'POSSESSION NOTICE' DATED 16.6.2015 ISSUED TO THE 1ST PETITIONER BY THE 4TH RESPONDENT BANK.**
- EXT.P5: TRUE COPY OF THE 'POSSESSION NOTICE' DATED 16.6.2015 ISSUED TO THE 2ND PETITIONER.**
- EXT.P6: TRUE PHOTOGRAPHS SHOWING THE NOTICE OF TAKING OVER OF THE POSSESSION EXHIBITED IN THE OFFICE AND THE ADJACENT HOUSE.**
- EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 7.7.2015 SUBMITTED BY THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22510 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

Petitioners have approached this Court challenging SARFAESI proceedings.

2. It is submitted by the learned standing counsel for the Bank that the total liability of the petitioner is around Rs.12 lakhs. It is also submitted that the possession was already taken on 16.6.2015.

This Court is of the view that if the petitioners remit the entire amount in three instalments, further proceedings shall be dropped and the property shall be returned to the petitioners. The first instalment shall be paid on or before 5.9.2015, the second instalment shall be paid on or before 5.10.2015 and the third instalment shall be paid on or before 5.11.2015.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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