IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 22637 of 2015 (D)

PETITIONER(S):
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1. **ABDUL AZIZ KHAN.M,**
   KHAN MANZIL, THARUVAKODE, KALLEKKAD POST,
   PALAKKAD, KALLEKKAD, PALGHAT-678 015.

2. **ANEESA V.I,**
   KHAN MANZIL, THARUVAKODE, KALLEKKAD POST,
   PALAKKAD, KALLEKKAD, PALGHAT-678 015.

   BY ADVS.SRI.N.RAJESH (PALAKKAD)
   SRI.JOSWIN THAMBI KUNNATH

RESPONDENT :

THE AUTHORIZED OFFICER,
SUNDARAM BNP PARIBAS HOME FINANCE LTD.,
1ST FLOOR, 15/513 (50), AKSHAYA FOUNDATION,
STADIUM BY PASS ROAD, PALAKKAD-678 001.

BY SRI.VARGHESE C.KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

WP(C).No. 22637 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE POSSESSION NOTICE ISSUED UNDER RULE 8(1) OF THE SECURITY INTEREST (ENFORMCEMENT) RULES, 2002.

EXT.P2. TRUE COPY OF THE REMINDER NOTICE DATED 8/6/2015 ISSUED TO THE 1ST PETITIONER.

EXT.P3. TRUE COPY OF THE NOTICE GIVEN BY THE ADVOCATE COMMISSIONER BY HAND DATED 16/6/2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 22637 of 2015

Dated this the 27th day of July, 2015

JUDGMENT

The petitioners availed a housing loan from the respondent-Bank. They have approached this Court challenging SARFAESI proceedings.

2. The learned counsel for the petitioners submit that the petitioners are prepared to clear the overdue amount and the Bank may be directed to regularise the loan account.

3. According to the Bank, the overdue amount of the petitioner is around Rs. 2,19,000/- and the term of the loan will expire by March 2029.

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

i) The petitioners shall remit Rs. 1,00,000/- (Rupees One Lakh Only) within a period of three weeks from today.

ii) Thereafter, the petitioners shall remit the balance overdue amount in four equal monthly instalments along with regular EMI from succeeding month.

iii) If the petitioners clear the overdue amount as above, the Bank shall regularise the loan account.

iv) If petitioners commit any default in remitting anyone of the instalments, the Bank is free to proceed against the petitioners.

v) All coercive steps shall be deferred in tune with the above directions.

This writ petition is disposed of as above. No costs.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr