IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 22769 of 2015 (U)

PETITIONER(S):

SHAJI V., AGED 47 YEARS,
S/O VASUDEVAN, THEKKEVILAYIL, KOTTARAKAVU,
MAVELIKKARA, ALAPPUZHA DISTRICT - 690 101.

BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE

RESPONDENT(S):

1. HOUSING DEVELOPMENT FINANCE CORPORATION LTD., REPRESENTED BY ITS AUTHORIZED OFFICER, HDFC HOUSE, VAZHUTHACADU, THIRUVANANTHAPURAM, PIN-695 010.

2. AUTHORIZED OFFICER, HOUSING DEVELOPMENT FINANCE CORPORATION LTD.,HDFC HOUSE, VAZHUTHACADU, THIRUVANANTHAPURAM, PIN-695 010.

BY ADV. SMT. S.AMBILY,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 22769 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE NOTICE DT. 30/6/14 ISSUED BY THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE ORDER DT 6/5/15 IN C.M.P. NO. 1483/15 IN MC. NO. 193/15 OF THE HON'BLE CHIEF JUDICIAL MAGISTRATE COURT, ALAPUZHA.

EXT.P3: TRUE COPY OF THE NOTICE DT. 21/7/15 ISSUED BY THE ADVOCATE COMMISSIONER.

RESPONDENT(S)' EXHIBITS:
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NIL

//TRUE COPY//

P.S.TO JUDGE

Ms**v/**

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 22769 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner availed a housing loan from the respondent Bank. Petitioner has approached this Court impugning SARFAESI proceedings. The petitioner's only prayer before this Court is that, he may be permitted to clear the overdue amount and Bank may be directed to regularise the account.

2. According to the respondent Bank, the total overdue amount is around ₹2.23 lakhs and the petitioner has not remitted any amount, after June 2013.

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

(i) The petitioner shall remit ₹75,000/- within one month from today.

(ii) Thereafter, the petitioner shall discharge the entire overdue amount along with regular EMI in 5 monthly instalments starting from the succeeding month onwards.

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

(iv) If the petitioner commits default in paying any of the instalments, the Bank is free to proceed against the petitioner.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn