

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. 23266 of 2015 (G)

PETITIONER(S):

- 1. KARTHIKEYAN, S/O.GOPALAN,
PARAMJYOTHI KIZHAKKEATHIL VEEDU,
EYYAL P.O., THRISSUR.**
- 2. SUJATHA M.K., W/O.KARTHIKEYAN,
PARAMJYOTHI KIZHAKKEATHIL VEEDU,
EYYAL P.O., THRISSUR.**

BY ADV. SRI.DILIP J. AKKARA.

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
CO-OPERATIVE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. JOINT REGISTRAR (GENERAL) CO-OPERATIVE SOCIETIES,
OFFICE OF THE JOINT REGISTRAR (GENERAL),
THRISSUR-680 003.**
- 3. THRISSUR URBAN CO-OPERATIVE BANK,
MISSION QUARTERS BRANCH,
REP. BY GENERAL MANAGER, HEAD OFFICE,
P.B. NO.86, THRISSUR-680 001.**

**R1 & R2 BY GOVT. PLEADER SMT.M.T. SHEEBA.
R3 BY ADV. SRI.C.D.DILEEP, SC.**

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

rs.

WP(C).No. 23266 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PAPER PUBLICATION OF SALE PETITIONER'S
RESIDENTIAL PROPERTY IN MATHRUBHUMI DAILY DATED 29/10/2006.
- EXT.P2 COPY OF THE JUDGMENT IN WP(C).NO.18692/2008
DATED 23/06/2008.
- EXT.P3 COPY OF THE RECEIPTS SHOWING PAYMENTS OF Rs.5,42,000/-.
- EXT.P4 COPY OF THE NOTICE DATED 06/06/2015 ISSUED BY
3RD RESPONDENT.
- EXT.P5 COPY OF THE NOTICE NO.CRB3167/2015 DATED 17/06/2015
ISSUED BY 2ND RESPONDENT JOINT REGISTRAR.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.23266/2015**

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Dated this the 31st Day of July, 2015

J U D G M E N T

The petitioners have approached this Court challenging SARFAESI proceedings. Their only prayer before this Court is to permit them to clear the entire liability in instalments.

2. The learned Standing Counsel for the Bank submits that the entire liability is around Rs.8 lakhs.

3. Taking note of the facts and circumstances, the following directions are issued:

i. The petitioners are directed to remit Rs.1,50,000/- (Rupees one lakh fifty thousand only) on or before 15/08/2015.

ii. If the petitioners remit the above amount, they shall be permitted to remit the balance amount in eight equal monthly instalments commencing from the succeeding month. If the petitioners commit default in payment of any of the instalments, the Bank is free to proceed against the petitioners in accordance with law. For enabling the petitioners to

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-:2:-

comply with the above conditions, all recovery proceedings shall stand deferred.

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

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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