

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 23272 of 2015 (H)

PETITIONER :

**VIJAYALAKSHMI RAMACHANDRAN, AGED 43 YEARS,
W/O. LATE B.V. RAMACHANDRAN NAIR, RESIDING AT
VADAKKEDATHU HOUSE, EDATHALA P.O., ALUVA - 683564.**

**BY ADVS.SRI.C.A.MAJEED
SRI.K.H.ASIF
SMT.RAAGA R.RAMALAKSHMI
SRI.K.J.SHARATH KUMAR**

RESPONDENT :

**ANDHRA BANK, ERNAKULAM M.G. ROAD BRANCH,
AJAYA VIHAR, ERNAKULAM - 682016, REPRESENTED
BY THE CHIEF MANAGER.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE LETTER DT 29/7/2014 ISSUED BY THE RESPONDENT**
- P2: COPY F THE NOTICE DT 3/7/2015 ISSUED BY THE ADVOCATE COMMISSIONER.**
- P3: COPY OF THE REPRESENTATION DT 10/7/2015 SUBMITTED BY THE PETITIONER.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 23272 of 2015

Dated this the 21th day of August, 2015

JUDGMENT

The petitioner is the widow of late Ramachandran. The liability with respondent Bank is based on a loan availed by her late husband about Rs.25 lakhs.

2. The learned counsel for the petitioner submits that the petitioner is living in the residential building which is one of the secured assets along with her two minor children. Therefore, the petitioner submits that she may be given six months time to wipe off the entire liability.

3. According to the learned counsel for the Bank, apart from the residential building, there are other items of property mortgaged to the Bank and they have shown much indulgence in the matter and given the time to the petitioner. It is submitted that the petitioner did not take any steps to liquidate liability.

4. Considering the present situation of the petitioner, this Court is of the view, for the time being, the residential building shall be spared from the steps taken under SARFAESI proceedings for the sale. The respondent-Bank is free to

proceed with the other property after ear-marking the residential building with apartment land for the enjoyment of the petitioner. However, if it is found that the other properties are not sufficient or impossible to demarcate, the respondent-Bank is free to proceed against the residential building as well.

Therefore, the following directions are issued :

- i) The Bank is directed to proceed against the property other than the residential building.
- ii) The Advocate Commissioner and the respondent-Bank shall demarcate the property other than the residential building.
- iii) If the respondent-Bank is proposing to proceed against the residential building, necessarily, separate notice shall be given to the petitioner before proceedings.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE