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. 23366 of 2015 (U)

PETITIONER:

ALPHONZA, AGED 51 YEARS,
W/O.JOHN, NELLIMUKALIL, THEKKETHIL VEEDU,
PERUMKULAM.P.O, KALAYAPURAM VILLAGE,
KOTTARAKKARA TALUK, KOLLAM-691566.

BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH

RESPONDENTS:
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1. CO-OPERATIVE URBAN BANK LTD NO.1909,
KOTTARAKKARA, P.B.NO.12, KOTTARAKKARA
KOLLAM-691506, REPRESENTED BY ITS MANAGER.

2. THE AUTHORIZED OFFICER,
CO-OPERATIVE URBAN BANK LTD.NO.1909, KOTTARAKKARA
P.B.NO.12, KOTTARAKKARA, KOLLAM-691506.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE CO-OPERATIVE SOCIETIES REGISTRAR,
THIRUVANANTHAPURAM-695001.

4. KIERALA CO-OPERATIVE DEVELOPMENT & WELFARE FUND BOARD,
THIRUVANANTHAPURAM-695001
REPRESENTED BY ITS SECRETARY.

5. MANU JAYAPRAKASH,
ADVOCATE COMMISSIONER, MULLAVANAM VILLA, PEROOR,
T.K.M.C.(P.O), KOLLAM-691005.

R1 & 2 BY ADV. SMT.DEEPA.V, SC
R3 BY GOVERNMENT PLEADER GIKKU JACOB
R4 BY SRI.BRIJESH MOHAN, SC,

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

PJ

WP(C).No. 23366 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 A TRUE COPY OF THE NOTICE ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER DATED 13.07.2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 23366 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner availed a personal loan from the respondent-Bank. He challenges SARFAESI proceedings. The only prayer of the petitioner before this Court is that he may be permitted to clear the overdue amount and the Bank may be directed to regularise the account.

2. According to the learned counsel for the Bank, the total overdue amount of the petitioner is around Rs.1,35,000/-.

The learned counsel for the petitioner claims that the petitioner is a widow and she has no other supporting income.

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

i) The petitioner is permitted to clear the overdue amount in twelve equal monthly instalments along with regular EMI from the month of September onwards.

ii) If the petitioner clears the overdue amount, the Bank shall regularise the account.

iii) If the petitioner commits default in remitting any one of the instalments, the respondent-Bank is free to proceed against the petitioner.

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

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr