IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 23481 of 2015 (I)

PETITIONER(S) :
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1. **KUNHUKUTTAN T., AGED 56 YEARS**
   S/O.KUNHUNNI, THACHANATTU HOUSE, NORTH MUTHOOR
   TIRUR P.O., TIRUR TALUK, PIN-676101.

2. **PRAVEEN KUMAR P.,**
   AGED 34 YEARS, S/O.KUNHUKUTTAN, PROPRIETOR
   M/S.IMPRESSION OFFSET PRINTS, PPM COMPLEX
   CHEMBRA ROAD, TIRUR-676101
   RESIDING AT THACHANATTU HOUSE, NORTH MUTHOOR
   TIRUR P.O., TIRUR TALUK, PIN-676101.

   BY ADVS.SRI.K.M.FIROZ
   SMT.M.SHAJNA
   SRI.S.KANNAN
   SMT.UMMUL FIDA

RESPONDENT(S) :
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1. **UCO BANK**
   TIRUR, REPRESENTED BY ITS AUTHORISED OFFICER-676101.

2. **AUTHORISED OFFICER**
   UNDER SARFAESI ACT, UCO BANK, TIRUR
   MALAPPURAM DISTRICT-676101.

   R1 & R2 BY ADV. SRI.GEORGE KARITHANAM VARGHESE, SC

   THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 23481 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE POSSESSION NOTICE DTD. 21-7-2015 ISSUED BY THE FIRST RESPONDENT BANK TO THE PETITIONER.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.23481 of 2015

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Dated this the 4th day of August, 2015

JUDGMENT

The petitioner availed a cash credit facility from the respondent Bank. The petitioner impugns SARFAESI proceedings.

2. Learned Standing Counsel for the Bank submits that the total liability of the petitioner is around Rs.11 lakhs.

3. The petitioner's only prayer is that he may be given an instalment facility to discharge the entire liability.

Considering the facts and circumstances, this writ petition is disposed of with the following directions:

i. The petitioner shall remit Rs.3 lakhs within one month from today.

ii. Thereafter, from the succeeding month onwards, the petitioner shall remit Rs.1 lakh every month for a period of five months and thereafter, in the 6th month, the entire amount in balance shall be discharged in lumpsum.

iii. If the petitioner commits default in remitting anyone of the instalments as above, the Bank is free to proceed against the petitioner in accordance with law.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE

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