

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. 23494 of 2015 (J)

PETITIONER :

**K.P.MUSTHAFA, AGED 45 YEARS,
S/O.LATE POKER, KUTHIRUMMEL HOUSE,
PARAPPILLY, PULLUR P.O, KASARGOD DISTRICT.**

BY ADV. SRI.JOSE J.MATHAIKAL

RESPONDENT(S):

- 1. THE STATE BANK OF TRAVANCORE,
HOSDURG (KANHANGAD) BRANCH,
REPRESENTED BY ITS MANAGER -671 315.**
- 2. THE AUTHORISED OFFICER OF STATE BANK OF TRAVANCORE
UNDER THE SARFESI ACT, HOSDURG (KANHANGAD) BRANCH,
KASARAGOD- 671 315.**

BY SRI. JAYESH MOHAN KUMAR, SC, STATE BANK OF TRAVANCORE

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

sts

WP(C).No. 23494 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE POSSESSION NOTICE DATED 6/8/2014.**
- EXHIBIT P2. COPY OF THE PETITION BEFORE DEPUTY COLLECTOR.**
- EXHIBIT P3. COPY OF THE PETITION BEFORE FIRST RESPONDENT.**
- EXHIBIT P4. COPY OF THE RECEIPT DATED 29.7.15 FOR PAYMENT OF RS. 250000/-.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.23494 of 2015

Dated this the 4th day of August, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings, has approached this Court. The secured asset is a residential building. The petitioner's only prayer before this Court is that he may be permitted to discharge the entire liability by easy instalments.

2. Learned standing counsel for the Bank opposes the prayer of the petitioner and submits that the total liability of the petitioner is Rs.8,40,000/-.

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. If the petitioner remits the above amount, the balance amount shall be discharged in six equal monthly instalments from the succeeding month onwards.

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

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In