

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 23785 of 2014 (W)

PETITIONER:

**MOHAMMED SIRAJUDHEEN,
S/O. ABDUL KAREEM, AGED 36,
THE MANAGING PARTNER,
M/S. PROLINE SYSTEMS, 232/2838B,
AMBILI BUILDINGS,
NEAR THAMMANAM POST OFFICE, KOCHI -32.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT:

- 1. BANK OF BARODA, VYTTLA BRANCH,
IST FLOOR, NEAR WELCARE HOSPITAL,
S.A. HOSPITAL, VYTTLA, KOCHI -19,
REPRESENTED BY ITS BRANCH MANAGER.**
- 2. THE ASSISTANT GENERAL MANAGER/
CONSTITUTED ATTORNEY,
BANK OF BARODA, IST FLOOR,
NEAR WELCARE HOSPITAL
S.A. HOSPITAL, VYTTLA, KOCHI -19.**

**R1 BY ADVS. SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH
SRI.ADARSH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 23785 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1- THE COPY OF THE NOTICE DATED 22/01/2014 ISSUED TO THE
CONCERN OF THE PETITIONER.**

**EXHIBIT-P2- THE COPY OF THE SAID NOTICE DATED 17/04/2014 ISSUED BY THE
RESPONDENTS TO THE CONCERN OF THE PETITIONER.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 23785 of 2014

Dated this the 14th day of July, 2015

J U D G M E N T

Petitioner has approached this Court impugning SARFAESI proceedings.

2. Petitioner submits that he has suffered from an accident and bedridden and he is not in a position to discharge the liability.

3. Learned counsel for the Bank submits that, the petitioner has given cash credit facility and the term is over. The total liability is around ₹38 lakhs.

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

(i) Petitioner shall deposit ₹5 lakhs in 2 monthly instalments starting from 10.08.2015.

(ii) If the petitioner deposits ₹5 lakhs as above, petitioner is given 6 months time to discharge the entire liability from today.

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

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.