IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 23720 of 2015 (L)

PETITIONER(S) :

**THULASIBHAI, AGED 45 YEARS,
W/O.RAVEENDRAN, KALLUVILA VEEDU, NEDIYARA,
ANCHAL VILLAGE, PATHANAPURAM THALUK, KOLLAM DISTRICT.**

**BY ADVS.SRI.R.SURAJ KUMAR
SRI.SUNIL J.CHAKKALACKAL
SMT.V.BEENA
SMT.V.DEEPA**

RESPONDENT(S) :
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1. **KOLLAM DISTRICT CO-OPERATIVE BANK,
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
CHINNAKKADA, KOLLAM, PIN-691 001.**

2. **THE AUTHORIZED OFFICER,
KOLLAM DISTRICT CO-OPERATIVE BANK, HEAD OFFICE,
KOLLAM, PIN-691 001.**

3. **THE BRANCH MANAGER,
KOLLAM DISTRICT CO-OPERATIVE BANK, ANCHAL,
KOLLAM DISTRICT.**

BY ADV. SRI.T.R.HARIKUMAR, S.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

WP(C).No. 23720 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS :
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EXHIBIT P1 : TRUE COPY OF THE CERTIFICATE DATED 21-10-2014 ISSUED BY THE AGRICULTURAL OFFICER, ANCHAL.

EXHIBIT P2 : TRUE COPY OF THE NOTICE DATED 21-05-2014.

EXHIBIT P3 : TRUE COPY OF THE NOTICE OF SALE DATED 16-08-2014.

EXHIBIT P4 : TRUE COPY OF THE NOTICE OF POSSESSION DATED 28-10-2014.

EXHIBIT P5 : TRUE COPY OF THE PROPOSAL DATED 13-11-2014.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J.

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W.P(C). No. 23720 of 2015

Dated this the 10th day of August, 2015

<u>J U D G M E N T</u>

The petitioner availed a loan from the respondent Bank. The term of the loan will expire only in the year 2017. Petitioner has approached this Court impugning SARFAESI proceedings.

2. According to the Bank, the total overdue amount is around ₹12,67,000/-. It is submitted that the petitioner has not paid any amount after availing the loan.

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

(i) Petitioner shall remit ₹3,00,000/- (Rupees three lakhs only) within one month from today.

(ii) Thereafter, the petitioner shall remit the balance overdue amount along with regular EMI in eight monthly instalments from the succeeding month onwards.

(iii) If the petitioner remits the amount as above, the Bank shall regularise the account.

(iv) If the petitioner commits default in remitting 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.

Pn