

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23837 of 2015 (D)

PETITIONER :

**SUNILKUMAR, AGED 34 YEARS,
S/O.SUNDARAN, HOUSE NO.128,
CHANDRA NAGAR COLONY, PALAKKAD-678 007**

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENT(S):

- 1. SUNDARAM BNP PARIBAS HOME FINANCE LTD.,
REPRESENTED BY ITS AUTHORISED OFFICER,
FIRST FLOOR, 15/513, AKSHAYA FOUNDATION,
STADIUM BYEPASS ROAD, PALAKKAD-678 001**
- 2. AUTHORISED OFFICER,
SUNDARAM BNP PARIBAS HOME FINANCE LTD.,
SUNDARAM BNP PARIBAS HOME FINANCE LTD., FIRST FLOOR,
15/513, AKSHAYA FOUNDATION, STADIUM BYEPASS ROAD,
PALAKKAD-678 001**

BY ADV. SRI.VARGHESE C.KURIAKOSE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 23837 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1	TRUE COPY OF THE NOTICE DATED 10-12-2014 ISSUED UNDER SECTION 8(1) BY THE SECOND RESPONDENT
EXT.P2	A TRUE COPY OF THE JUDGMENT DATED 30-01-2015 IN W.P(C) NO.1007/2015
EXT.P3	TRUE COPY OF MEDICAL CERTIFICATE DATED 13-06-2015 ISSUED BY DR. SHAMY S. PHYSICAL THERAPIST
EXT.P4	TRUE COPY OF RECEIPT ISSUED BY THE RESPONDENT DATED 20-03-2015
EXT.P5	TRUE COPY OF NOTICE OF ADVOCATE COMMISSIONER DATED 19-05-2015

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 23837 of 2015

Dated this the 6th day of August, 2015

J U D G M E N T

The petitioner challenging SARFAESI proceedings has approached this Court in WP(C) No.1007/2013. This Court permitted the petitioner to clear the overdue amount in instalments. It appears that the petitioner defaulted in repayment of the overdue as ordered by this Court. Petitioner now threatened with dispossession has approached this Court.

2. Learned counsel for the Bank submits that if the petitioner makes payment of ₹3,00,000/- within one week and discharges the entire overdue amount within 3 months from today, the Bank shall regularise the account.

3. This suggestion is also accepted by the petitioner.

4. In that view of the matter following directions are issued:

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

(ii) Thereafter, the petitioner shall discharge the entire overdue amount in 3 monthly instalments along with regular EMIs on the

due date from the month of September, 2015 onwards.

(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.

Pn