

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23946 of 2015 (P)

PETITIONER :

**DEEPA.K,
W/O.PRADEEP KUMAR, AGED 32 YEARS,
LEKSHMI VILASOM, THEVANNOOR P.O, AYOOR,
NOW RESIDING AT CHIRAKKAROTTU VEEDU, KOTTAMKARA,
CHANDANATHOPPU P.O, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S):

- 1. AUTHORISED OFFICER,
CO-OPERATIVE URBAN BANK LTD. NO. 1909,
HEAD OFFICE, KOTTARAKARA, KOLLAM- 691 506.**
- 2. THE MANAGER,
THE CO-OPERATIVE URBAN BANK LTD.,
KOTTARAKKARA- 691 506.**

R1 & R2 BY SMT.DEEPA.V, SC, KOTTARAKKARA CO.OP. URBAN BANK LTD.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 23946 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE LOAN CARD ISSUED TO THE PETITIONER FROM THE RESPONDENT BANK DATED 4.9.2012.**
- EXHIBIT P2. COPY OF THE NOTICE ISSUED UNDER 13(2) OF THE SARFAESI ACT TO THE PETITIONER DATED NIL.**
- EXHIBIT P3. COPY OF THE RECEIPT SHOWING REMITTANCE OF RS.1,55,000 ON 13.1.2015.**
- EXHIBIT P4. COPY OF THE NEWSPAPER ADVERTISEMENT REGARDING TAKING OVER OF THE PROPERTY BY THE BANK DATED 28.7.2015.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 23946 of 2015

Dated this the 07th day of August, 2015

JUDGMENT

The petitioner availed a loan from the 2nd respondent-Bank. The petitioner impugns SARFAESI proceedings. The only prayer of the petitioner before this Court is that he may be given time to discharge the entire liability in instalments.

2. The learned counsel for the respondent-Bank submits that the total liability of the petitioner is around Rs. 4,63,000/-.

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

- i) The petitioner is permitted to discharge the entire liability in 15 instalments starting from 01.09.2015.
- ii) If the petitioner commits default in remitting anyone of the instalments, the respondent-Bank is free to proceed against the petitioner.

The writ petition is disposed of as above. No costs.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE