IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 24637 of 2015 (D)

PETITIONER(S):
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1. **JAMAL. K.P., AGED 49 YEARS,**
   S/O.IBRAHIM, KHUDAN, THS ROAD,
   KACHERIMEDU, CHITTUR P.O, PALAKKAD- 678 101.

2. **SMT.KOULATH P.P., AGED 42 YEARS,**
   W/O.JAMAL K.P, KHUDAN, THS ROAD,
   KACHERIMEDU, CHITTUR P.O, PALAKKAD -678 101.

   BY ADV. SRI.M.JITHESH MENON

RESPONDENT :

THE CHIEF MANAGER/AUTHORISED OFFICER,
STATE BANK OF TRAVANCORE, CHITTUR BRANCH, PB NO.8,
SANA COMPLEX, CHITTUR, PALAKKAD- 678 101.

BY SRI.T.SETHUMADHAVAN,SENIOR ADVOCATE
SRI. JAYESH MOHAN KUMAR, SC, STATE BANK OF TRAVANCORE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

WP(C).No. 24637 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE NOTICE DATED 17.6.13.

EXHIBIT P2. COPY OF THE LETTER SUBMITTED BY THE PETITIONERS DATED NIL.

EXHIBIT P3. COPY OF THE NOTICE DATED 5.2.15.

EXHIBIT P4. COPY OF THE JUDGMENT IN WPC.NO. 7273/15 DATED 17.3.15.

EXHIBIT P5. COPY OF THE ORDER IN IA.NO.8978/15 IN WPC.NO.7273/15 DATED 8.7.15.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 24637 of 2015

Dated this the 20th day of August, 2015

<u>JUDGMENT</u>

The petitioners approached this Court challenging SARFAESI proceedings. They availed a housing loan from the respondent-Bank. The only prayer of the petitioners is that they may be permitted to clear the overdue amount and the Bank may be directed to regularise the account.

2. According to the learned counsel for the Bank, the total overdue amount of the petitioners is only Rs.35,000/-.

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

i) If the petitioners remit the overdue amount of Rs.35,000/- on or before 17.09.2015, the Bank shall regularise the account.

ii) If the petitioners clear the overdue amount as above, the Bank shall regularise the account.

iii) It is made clear that the petitioners shall also liable to pay regular EMI otherwise due from the month of September onwards.

iv) If the petitioners commit default in remitting any one of the instalments, the respondent-Bank is free to proceed against the petitioner in accordance with law.

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

Sd/-
A. MUHAMED MUSTAQUE, JUDGE

bpr