IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24673 of 2015 (H)

PETITIONER(S):

P. KUMARI, AGED 40 YEARS,
W/O. ANIL KUMAR, KALEEKKAL ROADARIKATHU VEEDU,
VITHURA P.O., THIRUVANANTHAPURAM - 695 551.

BY ADV. SRI.A.S.SHAMMY RAJ.

RESPONDENT(S):

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1. INDIAN BANK,
REPRESENTED BY ITS MANAGER, VITHURA BRANCH,
THIRUVANANTHAPURAM - 695 551.

2. AUTHORISED OFFICER/CHIEF MANAGER,
INDIAN BANK, ZONAL OFFICE, INDIAN BANK TOWER,
M.G. ROAD, THIRUVANANTHAPURAM- 695 001.

BY ADV. SRI.S.EASWARAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 24673 of 2015 (H)

<u>APPENDIX</u>

<u>PETITIONER'S EXHIBITS</u>:-

EXHIBIT-P1- TRUE COPY OF THE SALE NOTICE DATED 20/07/2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P2- TRUE COPY OF THE PASS BOOK SHOWING THE REPAYMENTS IN THE LOAN ACCOUNT OF THE PETITIONER.

<u>RESPONDENT'S EXHIBITS</u>:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J.
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W.P(C). No. 24673 of 2015

Dated this the 17th day of August, 2015

J U D G M E N T

The petitioner availed a loan from the respondent Bank. Petitioner has approached this Court challenging SARFAESI proceedings. Petitioner submits that the loan was obtained by her for conducting a small scale business. On account of failure in the business she was unable to discharge the liability in time. It is further submitted that, she is now working as a 'coolie' and she will be able to wipe off entire liability, if sufficient instalment is given to her.

2. Learned counsel for the Bank opposes the prayer of the petitioner and submits that the total liability is more than ₹2,49,000/-.

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

(i) The petitioner shall remit ₹30,000/- (Rupees thirty thousand only) on or before 31.08.2015,

(ii) Thereafter, the petitioner shall discharge the entire balance amount in 15 monthly instalments starting from the succeeding month onwards.

(iii) The respondent Bank is directed to give a detailed statement of accounts to the petitioner on or before 31.08.2015.

(iv) 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