

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 25090 of 2015 (I)

PETITIONER(S):

**K.M.KUNHALI, AGED 47 YEARS,
S/O.K.A.MUHAMMED, KUNDOOKARA HOUSE,
PAMBRA P.O., CHUNDAKOLLY,
SULTHAN BATHERY, WAYNAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S):

**THE VIJAYA BANK,
KALPETTA BRANCH, P.B.NO.1,
PADMA BUIL, MAIN ROAD, KALPETTA,
WAYNAD - 673 121, REPRESENTED BY BRANCH MANAGER.**

BY ADV. SMT.LATHA KRISHNAN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25090 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF STATEMENT IN
A/C.NO.201306021000006 FROM 26.7.2010 TO 30.3.2015.**

EXT.P2: TRUE COPY OF THE PAY-IN-SLIP DTD.30.7.2015.

**EXT.P3: TRUE COPY OF THE POSSESSION NOTICE DTD.5.8.2014 ISSUED BY THE
RESPONDENT BANK.**

**EXT.P4: TRUE COPY OF THE C.M.P.NO.967/2015 OF THE COURT OF CHIEF JUDICIAL
MAGISTRATE, KALPETTA.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.25090 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings, has approached this Court.

2. The only prayer of the petitioner is that he may be given an instalment facility to discharge the entire liability.

3. Learned standing counsel for the Bank submits that the total overdue amount due from the petitioner is around Rs.7,35,000/-.

Considering the facts and circumstances, this writ petition is disposed of with the following directions:

- i. The petitioner shall remit Rs.1 lakh on or before 15.9.2015.
- ii. If the petitioner remits the above amount, he shall be permitted to discharge the balance amount in nine equal monthly instalments from the succeeding month onwards.
- iii. If the petitioner commits default in remitting anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.
- iv. Coercive steps initiated against the petitioner shall be deferred in tune with the above directions.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE