

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25413 of 2015 (B)

PETITIONER:

**NOUSHAD M.T. , AGED 46,
S/O THANKAPPA RAWTHER,
EETTIVILA FAIZAL MANSIL, EDATHARA,
PATHRIKKAL PO, PATHANAPURAM,
KOLLAM DISTRICT-689 695.**

**BY ADVS.SRI.V.PHILIP MATHEW
SRI.JEPH JOSEPH**

RESPONDENT(S):

- 1. THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, CHINNAKADA, P.B.NO.130,
KOLLAM-691 001.**
- 2. AUTHRISED OFFICER,
THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, CHINNAKADA, P.B.NO.130, KOLLAM-691 001.**
- 3. THE GENERAL MANAGER,
THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, CHINNAKADA, P.B.NO.130, KOLLAM-691 001.**

BY ADV. SRI.T.R.HARIKUMAR, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: COPY OF THE SALE NOTICE DATED 23/5/14 ISSUED BY THE
2ND RESPONDENT ALONG WITH THE SCHEDULE OF PROPERTIES.
- EXT.P2: COPY OF CHALLAN DATED 3/6/14.
- EXT.P3: COPY OF CHALLAN DATED 23/7/14.
- EXT.P4: COPY OF CHALLAN DATED 22/7/14 EVIDENCING PAYMENT OF
RS. 5062/-.
- EXT.P5: COPY OF CHALLAN DATED 23/7/14 EVIDENCING PAYMENT OF RS.1348/-.
- EXT.P6: COPY OF PASSBOOK.
- EXT.P7: COPY OF REPRESENTATION DATED 22/7/15 SUBMITTED BY THE
PETITIONER TO THE 3RD RESPONDENT.
- EXT. P8: COPY OF CHALLAN DT. 10/8/15 EVIDENCING PAYMENT OF
RS. 1,30,000/-.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 25413 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner has approached this Court challenging SARFAESI proceedings. The only prayer of the petitioner before this Court is that he may be given two years time to discharge the entire liability.

2. According to the Bank, the total liability of the petitioner is Rs.4 lakhs as on today.

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

- i) The petitioner shall remit Rs.20,000/- per month for a period of ten months starting from 25.09.2015.
- ii) And in the eleventh month, the petitioner shall discharge the entire amount in lump sum.
- iii) If the petitioner commits default in remitting any one of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

iv) The Bank shall also issue a statement of accounts to the petitioner.

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

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr