IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25449 of 2015 (E)

PETITIONER :

RAMACHANDRAN, AGED 55 YEARS,
S/O. VEEMBAN, KOLAMPORATH HOUSE,
POTTASSERY P.O., MANNARKKAD, PALAKKAD.

BY ADV. SRI.T.K.SANDEEP

RESPONDENTS :

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1. **MANAGER**
   UNION BANK OF INDIA, POTTASSERY BRANCH,
   KANHIRAPUZHA ROAD, KANJIRAM, MANNARKAD - 678598.

2. **AUTHORISED OFFICER,**
   UNION BANK OF INDIA, REGIONAL OFFICE, FIRST FLOOR,
   KSHB COMPLEX, VIKAS NAGAR, EAST HILL ROAD,
   KOZHIKODE- 673 006

BY SRI.A.S.P.KURUP, SC, UBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

WP(C).No. 25449 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE PAYMENT RECEIPT DATED 31/10/2014.

EXHIBIT-P2: TRUE COPY OF THE PAYMENT RECEIPT DATED 26/11/2014.

EXHIBIT-P3: TRUE COPY OF THE PAYMENT RECEIPT DATED 30/12/2014.

EXHIBIT-P4: TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 13/08/2015.

EXHIBNIT-P5: TRUE COPY OF THE C.M.P NO. 3786/2015 FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.25449 of 2015

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Dated this the 19th day of August, 2015

JUDGMENT

The petitioner availed an agricultural loan as well as housing loan from the respondent Bank. The term of the agricultural loan is over. There are overdues in the housing loan, the Bank initiated SARFAESI proceedings.

2. According to the learned standing counsel for the Bank that the total liability of the petitioner under the agricultural loan is around Rs.4,30,000/- and the overdue amount in the housing loan is Rs.1,20,000/-.

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

i. The petitioner shall remit Rs.50,000/- in the housing loan within two weeks.

ii. Thereafter, the petitioner shall discharge the balance housing loan in six equal monthly instalments along with regular EMI.

iii. The petitioner is given three months time from today to discharge the entire liability in the agricultural loan.

iv. In the event, the petitioner commits default in remitting either housing loan overdue amount as above or remitting the agricultural loan amount within the time indicated above, the Bank is free to proceed against the petitioner in accordance with law.

v. Coercive steps initiated against the petitioner shall be deferred in tune with the above directions.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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