

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. 25497 of 2015 (J)

PETITIONER(S) :

**JAMES BABY, AGED 49 YEARS,
S/O.BABY MATHAI, MAMRE GARDEN HOUSE, PADUPPU,
SANKARANPADI P.O, KARIVADAKAM VILLAGE,
KASARGOD DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S) :

- 1. THE KASARGOD DISTRICT CO-OPERATIVE BANK LIMITED,
REPRESENTED BY ITS GENERAL MANAGER,
KASARGOD DISTRICT- 671 121.**
- 2. THE AUTHORIZED OFFICER,
UNDER THE SARFESI ACT,
THE KASARGOD DISTRICT CO-OPERATIVE BANK LIMITED,
KASARGOD DISTRICT- 671 121.**
- 3. THE BRANCH MANAGER,
THE KASARGOD DISTRICT CO-OPERATIVE BANK LIMITED,
KASARGOD DISTRICT- 671 121.**

BY ADV. SRI.JAWAHAR JOSE, S.C

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

Msd.

WP(C).No. 25497 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT
DATED 10.03.2014.**

**EXHIBIT P2: TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT
DATED 23.03.2015.**

**EXHIBIT P3: TRUE COPY OF THE NOTICE OF THE 3RD RESPONDENT
DATED 03.06.2015.**

**EXHIBIT P4: TRUE COPY OF THE REPRESENTATION OF THE PETITIONER
DATED 20.07.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.25497 of 2015

Dated this the 20th day of August, 2015

JUDGMENT

The petitioner has approached this Court challenging SARFAESI proceedings. The only prayer of the petitioner is that he may be given an instalment facility to discharge the entire liability.

2. Learned standing counsel for the respondent Bank submits that the total amount due from the petitioner is around Rs.2 lakhs.

Considering the facts and circumstances, the petitioner is permitted to discharge the entire liability in ten equal monthly instalments starting from 10.9.2015. If the petitioner commits default in remitting anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln