

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

WP(C).NO. 25665 OF 2015 (G)

PETITIONER(S) :

J.RAMDAS AGED 50 YEARS

S/O.JANARDHANAN

NANDU BHAVANAM (MEMANA-KIZHAKKETHIL), CHERAVALLY
KAYAMKULAM P.O., ALAPPUZHA DISTRICT.

BY ADVS.SRI.SIRAJ KAROLY

SRI.R.PARAMESWARA IYER

RESPONDENT(S) :

1. AUTHORIZED OFFICER

KERALA GRAMIN BANK, REGIONAL OFFICE, DANFOS ARCADE
POTTAKKUZHI JUNCTION, ELAMAKKARA, KOCHI-682026.

2. THE BRANCH MANAGER

KERALA GRAMIN BANK, KATTANAM BRANCH-PIN-682736.

3. THE GENERAL MANAGER

KERALA GRAMIN BANK, HEAD OFFICE, MALAPPURAM-676505.

4. THE DISTRICT SCHEDULED CASTE DEVELOPMENT OFFICER

ALAPPUZHA

OFFICE OF THE DISTRICT SCHEDULED CASTE DEVELOPMENT OFFICER
CIVIL STATION (ANNEX), THATHAMPALLY P.O.
ALAPPUZHA 688013.

R1 -R 3 BY ADV. SRI.T.R.RAVI, SC, S.MALABAR G. BANK

BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 25665 OF 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE RATION CARD NO.1420099279 DATED 24.12.2008.

EXHIBIT-P2: TRUE COPY OF THE CERTIFICATE DATED 18.08.2015 ISSUED BY THE
DISTRICT SCHEDULED CASTE DEVELOPMENT OFFICER ALAPPUZHA DISTRICT

EXHIBIT-P3: TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.SAJEEB
MOHAMMED DATED 8.7.2014.

EXHIBIT-P4: TRUE COPY OF THE SALE NOTICE ISSUED BY THE 1ST RESPONDENT
TO THE PETITIONER DATED 01.08.2015.

EXHIBIT-P5: TRUE COPY OF THE SALE NOTICE PUBLISHED IN MATHRUBHUMI DAILY
NEWSPAPER DATED 1.8.2015 BY THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.25665 of 2015

.....
Dated this the 31st day of August, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts. The proceedings initiated by the bank resulted in Ext.P4 sale notice whereby the property of the petitioner was brought to sale. The sale is scheduled to be held on 04.09.2015. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing counsel appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the balance amounts outstanding to the bank in easy instalments. Taking into account the

plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioner to the respondent bank, is stated to be Rs.3,73,613/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.3,73,613/-, together with accrued interest, in 12 equal and successive monthly instalments commencing from 30.09.2015, then further proceedings for recovery of loan amounts from the petitioner shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

(iii) I make it clear that, the aforesaid direction will not stand in the way of the petitioner being extended any benefit that is available to him by way of concession, either from the respondent bank, or through any other applicable executive order, in accordance with law.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

