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. 25705 of 2015 (K)
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PETITIONER(S):

BAIJU,
PARAMBIN KOYILOTH HOUSE,
THURUTHIYAD P.O., BALUSSERY,
KOZHIKODE-673612.

BY ADV. SRI.V.VARGHESE

RESPONDENT(S):

AUTHORISED OFFICER,
KERALA STATE CO-OPERATIVE BANK LTD.,
REGIONAL OFFICE,
KOZHIKODE, COLUMBO COMPLEX, M.M.ALI ROAD,
KOZHIKODE:673002.

BY SRI.GEORGE POONTHOTTAM, SC,

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

PJ

WP(C).No. 25705 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE DISCHARGE SUMMARY EVIDENCING THE TREATMENT OF THE PETITIONER FOR HENOCH-SCHONLEIN PURPURA (HSP).

EXHIBIT P2: TRUE COPY OF THE PHARMACY BILLS DATED 24.7.2015 ISSUED BY ATHOLI CO-OPERATIVE HOSPITAL LTD.

EXHIBIT P3: TRUE COPY OF THE NOTICE NO.CRO/SRE KKD-185/333/2015-16 DATED 21.7.2015 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXHIBIT P4: TRUE COPY OF THE SALE NOTICE ENCLOSED ALONG WITH EXT.P3.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.25705 of 2015

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Dated this the 21st day of August, 2015

JUDGMENT

The petitioner, challenging sale proceedings pursuant to SARFAESI Act, has approached this Court.

2. The petitioner submits that the secured asset is a residential building. The only prayer of the petitioner is that he may be permitted to clear the overdue amount in instalments and the Bank may be directed to regularise the account.

3. Learned standing counsel for the Bank opposed the prayer of the petitioner.

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

i. The petitioner shall remit Rs.30,000 on or before 24.8.2015.

ii. Thereafter, the petitioner shall discharge the overdue amount in eight equal monthly instalments along with regular EMI from the succeeding month onwards.

iii. If the petitioner clears the overdue amount, the Bank shall regularise the account.

iv. If the petitioner fails to clear anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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