IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 26098 of 2015 (J)

PETITIONER(S):

YATHEENDRA DAS R.,
S/O.K.V.RAGHAVAN, SANGEETHA, PACHALAM
KOCHI-682 012.

BY ADV. SMT.E.V.MOLY

RESPONDENT(S):

CATHOLIC SYRIAN BANK
DJM BUILDING, PB NO.1154, MARKET ROAD
ERNAKULAM, KOCHI-682 011
REP. BY ITS AUTHORIZED OFFICER.

BY SRI.C.A.JOY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 26098 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1.TRUE COPY OF THE NOTICE DATED 22/7/2015 ISSUED U/S. 13(2) OF THE SARFAESI ACT.

EXT.P2.TRUE COPY OF THE REQUESTING LETTER

EXT.P3.TRUE COPY OF THE LOAN ACCOUNT STATEMENT

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

....

W.P.(C).No.26098 of 2015

....

Dated this the 17th day of September, 2015

J U D G M E N T

The petitioner, who had availed of a cash credit loan as well as a term 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. Ext.P1 is the 13(2) notice issued under the SARFAESI Act. 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 for the respondent bank.

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 overdue amount in respect of the cash credit facility is stated to be Rs.70,000/- and the overdue amount in respect of term loan is stated to be Rs.4,72,000/-. Accordingly, if the petitioner pays the total overdue amount of Rs.5,42,000/- together with accrued interest in six equal and successive monthly instalments commencing from 12.10.2015, and continues to keep up the regular instalments as per the original loan schedule in the term loan account, and complies with the conditions stipulated by the respondent bank in respect of the cash credit facility, the recovery steps initiated against the petitioner by the respondent bank 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.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns