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. 26099 of 2015 (J)

PETITIONER(S):

P.M.AYSHA, AGED 60 YEARS,
W/O.KUNJABDULLA, PUTHEN MARACHALIL HOUSE,
PAYYOLI P.O., KOZHIKODE DISTRICT-673522.

BY ADVS.SRI.P.V.SURENDRANATH
SRI.B.S.SYAMANTHAK

RESPONDENT(S):

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1. **THE KOZHIKKODE DISTRICT CO-OPERATIVE BANK LTD.,**
   REPRESENTED BY ITS GENERAL MANAGER,
   HEAD OFFICE, P.B.NO.503, KALLAI ROAD,
   CHALAPPURAM P.O., KOZHIKODE DISTRICT-673002.

2. **AUTHORIZED OFFICER, UNDER SARFAESI ACT,**
   THE KOZHIKKODE DISTRICT CO-OPERATIVE BANK LTD.,
   REPRESENTED BY ITS GENERAL MANAGER,
   HEAD OFFICE, P.B.NO.503, KALLAI ROAD,
   CHALAPPURAM P.O., KOZHIKODE DISTRICT-673002.

3. **BRANCH MANAGER,**
   THE KOZHIKKODE DISTRICT CO-OPERATIVE BANK LTD.,
   PAYYOLI BRANCH, 1ST FLOOR, BENHER PLAZA, PERAMBRA ROAD,
   PAYYOLI, KOZHIKODE-673522.

BY SRI.R.SUDHISH, 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. 26099 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - **A TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT BANK DATED 29-6-15 EVIDENCING THE PAYMENT OF RS.8000/- (RUPEES EIGHT THOUSAND ONLY) TOWARDS THE LOAN ACCOUNT**

P2 - **A TRUE COPY OF CMP NO.1506/2015 FILED BY THE R2 BEFORE THE HONOURABLE CHIEF JUDICIAL MAGISTRATE, KOZHIKODE UNDER SECTION 14 OF THE SARFAESI ACT DATED 14/7/15.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.26099/2015

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Dated this the 21st Day of August, 2015

J U D G M E N T

The petitioner, challenging SARFAESI proceedings has approached this Court. The only prayer before this Court is that she may be permitted to discharge the entire overdue amount in instalments and the Bank may be directed to regularise the loan account on such remittance.

2. The learned Standing Counsel for the Bank opposes the prayer of the petitioner. It is submitted that the overdue amount is around Rs.2,70,000/-.

3. Considering the facts and circumstances, the petitioner is permitted to clear the entire overdue amount in six equal monthly instalments along with regular EMI commencing from 20/09/2015 onwards. If the petitioner clears the overdue amount within the time granted, the Bank shall regularise the loan account of the petitioner. If the petitioner commits default, the Bank is free to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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