

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 27023 of 2014 (C)

PETITIONER(S):

- 1. VYASDEV M. KAMATH,
S/O.MR.K.J.MOHANDAS KAMATH, RESIDING AT SREE NIVAS,
FRIENDSHIP NAGAR, BYE LANE-3, SOUTH JANATHA ROAD,
PALARIVATTOM (P.O.), KOCHI-682 025.**
- 2. K.J.MOHANDAS KAMATH,
S/O.K.S.JANARDHANA KAMATH, RESIDING AT SREE NIVAS,
FRIENDSHIP NAGAR, BYE LANE-3, SOUTH JANATHA ROAD,
PALARIVATTOM (P.O.), KOCHI-682 025.**

**BY ADVS.SRI.MILLU DANDAPANI
SRI.PREMCHAND R.NAIR**

RESPONDENT(S):

- 1. THE BRANCH MANAGER,
STATE BANK OF INDIA, LISSIE HOSPITAL BRANCH,
LISSIE JUNCTION, ERNAKULAM-682 017.**
- 2. CHIEF MANAGER (LOAN ADMINISTRATION),
STATE BANK OF INDIA, SMECCC, VANKARATH TOWERS,
N.H.BYEPASS JUNCTION, PADIVATTOM, KOCHI-682 024.**
- 3. DEPUTY TAHSILDAR (R.R.),
KANAYANNUR TALUK, ERNAKULAM, KOCHI-682 014.**

**R1 & R2 BY SRI.K.K.CHANDRAN PILLAI,SENIOR ADVOCATE
ADV. SMT.S.AMBILY
R3 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE NOTICE DATED 12.4.2014 ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.

EXHIBIT-P2: TRUE COPY OF THE POSSESSION NOTICE DATED 18.7.2014 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.

EXHIBIT-P3: TRUE COPY OF THE PROCEEDINGS DATED 12.8.2014 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER.

EXHIBIT-P4: TRUE COPY OF THE RELEVANT PAGES OF THE STATEMENT OF ACCOUNT DATED 27.9.2014 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P5: TRUE COPY OF THE RECEIPT DATED 26.9.2014 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 27023 of 2014

Dated this the 27th day of July, 2015

JUDGMENT

The first petitioner availed a cash credit facility from the respondent Bank. The second petitioner stood as a guarantor for the above cash credit facility. The petitioners had remitted certain payment based on the directions of this Court. However, it appears that the petitioners have not fully honoured the conditions.

2. It is submitted by the learned senior counsel for the Bank that the total liability of the petitioners would come around Rs.15 lakhs.

3. Learned counsel for the petitioners submits that the petitioners may be given sufficient time to discharge the entire liability and they are attempting to sell one of the properties to realise the fund for liquidating the liability.

Considering the above, this writ petition is disposed of with the following directions:

- i. The petitioners are directed to remit Rs.1 lakh within one month from today.

- ii. Thereafter, the petitioners shall continue to remit Rs.25,000/- every month for a period of six months and ensuing month, the petitioner shall discharge the entire liability in lumpsum.
- iii. If the petitioners commit default in honouring anyone of the instalments, the respondent Bank is free to proceed against the petitioners in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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