IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 27081 of 2015 (I)

PETITIONER(S):

VARGHESE T.O, AGED 50 YEARS
THUDIYAN HOUSE, AZHAKAM.P.O., AZHAKAM
PIN-683 577, ERNAKULAM DISTRICT.

BY ADV. SRI.M.V.ANANDAN

RESPONDENT(S):
----

1. THE AUTHORISED OFFICER
   (DEPUTY GENERAL MANAGER)
   ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD.
   H.O.KAKKANAD, KOCHI-30.

2. THE BRANCH MANAGER
   ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD.
   ANGAMALI BRANCH, PIN-683 572, ERNAKULAM DISTRICT.

R BY SMT.I.SHEELA DEVI, SC, ERNAKULAM DIST.CO.OP.BANK LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 27081 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- TRUE COPY OF THE NOTICE DATED 4.7.2014 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.27081 OF 2015 (I)

Dated this the 11th day of September, 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. Ext.P1 is the notice issued to the petitioner under Section 13(2) of 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 for the petitioner as also the learned Standing counsel appearing 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 installments. 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 loan, is stated to be Rs.2,28,000/- together with accrued interest. Accordingly, if the petitioner remits the above amount of Rs.2,28,000/-, together with accrued interest, in ten equal and successive monthly installments commencing from 15.10.2015, and continues to keep up the monthly repayments as per the original loan schedule, then the recovery steps, if any, initiated against him 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 installments, 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

prp