

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C) .No. 28007 of 2015 (A)

PETITIONER(S) :

PREMKUMAR T.V. ,
S/O.LATE T.P.VENUGOPAL, THEROPALLY, DOOR NO X/266
2ND STREET MAITHRI NAGAR, KOLAZHI, THRISSUR.

BY ADV. SMT.E.V.MOLY

RESPONDENT(S) :

BANK OF INDIA
AYYANTHOLE BRANCH, AKKARAPATTIAKKAL BUILDING
AYYANTHOLE, THRISSUR
REPRESENTED BY ITS AUTHORIZED OFFICER.

R BY SRI.P.C.CHACKO SC BANK OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28007 of 2015 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- THE TRUE COPY OF THE LETTER DATED 8.3.2014.

P2- THE TRUE COPY OF THE DEMAND NOTICE DATED 5.2.2015.

P3- THE TRUE COPY OF THE NOTICE DATED 11.9.2015 ISSUED BY THE
ADV.COMMISSIONER.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.28007 of 2015

.....
Dated this the 16th 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.P3 is the notice issued by the Advocate Commissioner. 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 loan availed by the petitioner is stated to be Rs.2,50,000/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.2,50,000/- together with accrued interest in six equal and successive monthly instalments commencing from 15.10.2015, and continues to keep up the regular instalments as per the original loan schedule, 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

