

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 28537 of 2015 (N)

PETITIONER(S) :

**ANIAMMA VARGHESE, AGED 62 YEARS,
W/O.MANI VARGHESE, PAVACKAL HOUSE, KURIANADU P.O.,
MONIPPALLY , KOTTAYAM- 686 636.**

**BY ADVS.SRI.DIPU JAMES
SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S) :

**STATE BANK OF TRAVANCORE,
KOZHA BRANCH, KURUVILANGADU P.O, KURUVILANGADU,
KOTTAYAM DISTRICT- 686 633,
REPRESENTED BY ITS AUTHORISED OFFICER AND CHIEF MANAGER.**

BY ADV. SRI.R.S.KALKURA, S.C, S.B.T

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE PASS BOOK EVIDENCING PAYMENT TO THE RESPONDENT BANK IN RESPECT OF LOAN NO.67106922702 AVAILED FROM RESPONDENT BANK.**
- P2: A TRUE COPY OF THE NOTICE DATED 02.05.2014 UNDER SECTION 13(2) OF THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002.**
- P3: A TRUE COPY OF THE OBJECTION DATED 04.07.2014 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.**
- P4: A TRUE COPY OF THE POSSESSION NOTICE DATED 16.08.2014 ISSUED BY THE RESPONDENT.**
- P5: A TRUE COPY OF THE JUDGMENT DATED 08.10.2014 IN WP(C) NO.25238 OF 2014 OF THE HONOURABLE HIGH COURT OF KERALA.**
- P6: A TRUE COPY OF THE NOTICE DATED 18.03.2015 ISSUED BY THE ADVOCATE COMMISSIONER IN C.M.P NO.810 OF 2015 ON THE FILES OF THE CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM.**
- P7: A TRUE COPY OF THE AFFIDAVIT AND PETITION IN I.A NO.4503 OF 2015 IN WP(C) NO.25238 OF 2014 SUBMITTED BY THE PETITIONER DATED 24.03.2015 (WITHOUT ANNEXURE).**
- P8: A TRUE COPY OF THE ORDER DATED 25.03.2015 IN I.A NO.4503 OF 2015 IN WP(C) NO.25238 OF 2014 PASSED BY THIS HONOURABLE COURT.**
- P9: A TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK OF THE PETITIONER IN RESPECT OF LOAN NO.67106922702 AVAILED FROM RESPONDENT BANK.**
- P10: A TRUE COPY OF THE AFFIDAVIT DATED 27.03.2015 SUBMITTED BEFORE THE HONOURABLE HIGH COURT.**
- P11: A TRUE COPY OF THE RECEIPT DATED 22.09.2015 ISSUED BY THE RESPONDENT BANK TO THE PETITIONER.**

RESPONDENT(S)' ANNEXURES :

ANNEXURE R1(A): TRUE COPY OF THE CERTIFIED COPY OF THE STATEMENT OF ACCOUNTS PERTAINING TO THE TERM LOAN STANDING IN THE NAME OF EBY GEORGE.

//TRUE COPY//

P.S.TO JUDGE.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.28537 OF 2015 (N)

Dated this the 6th day of November, 2015

J U D G M E N T

The petitioner, who stood as a guarantor to a business loan that was advanced to her son, is aggrieved by the steps taken by the respondent bank to recover the defaulted loan amounts from her. The petitioner approached this Court at a time when steps were taken by the respondent bank for recovery of the loan amounts by proceeding against the property of the petitioner that was mortgaged with the respondent bank.

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 her 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 amount outstanding from the petitioner to the respondent bank, in respect of the loan accounts referred to above, is stated to be Rs.1,81,025/- plus Rs.52,387/-. Accordingly, if the petitioner pays the said amounts of Rs.1,81,025/- plus Rs.52,387/- to the respondent bank, within a period of one week from the date of receipt of a copy of this judgment, then the further proceedings for recovery as against the petitioner's property shall be dropped.

(ii) It is further made clear that if the petitioner commits a default in respect of any of the installments, she will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against her from the stage at which they presently stand.

(iii) On the petitioner effecting the payment as aforementioned, the respondent bank shall return the title deeds in respect of the property that was mortgaged with the respondent forthwith, and without any further request from the petitioner. The respondent bank shall also furnish the petitioner with a statement showing the

computation of the interest that accrued in respect of the loan account after the date on which it was declared as NPA.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/6/11/15