

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 28847 of 2015 (E)

PETITIONER(S):

- 1. SANTHA PETER, AGED 59 YEARS
W/O.POULOSE, PUTHU PALAPPILLIL
PAMBAKKUDA P.O.MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT.**
- 2. MAREENA PAUL, AGED 33 YEARS
W/O.BIJU XAVIOR, CHAKKIYATH
VADAVUKODE P.O.KOLLANPADI PIN - 682 310 ERNAKULAM DISTRICT.**

**BY ADVS.SRI.U.R.HARSHAKUMAR
SRI.HARISHKUMAR UMBICATTU**

RESPONDENT(S):

- 1. THE AUTHORIZED OFFICER
INDIA INFOLINE LIMITED
INDIA INFOLINE HOUSINGFINANCE LIMITED, 2ND FLOOR
SANA TOWER, M.G.ROAD, KOCHI - 682 016.**
- 2. BIJU XAVIOR, AGED 40 YEARS
S/O.XAVIOR, CHAKKIYATH, VADAVUKODE P.O.KOLLANPADI
PIN - 682 310 ERNAKULAMDISTRICT.**

**R1 BY ADV.SRI.T.P.PRADEEP
R1 BY ADV.SRI.P.K.SATHEES KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: TRUE COPY OF LETTER OF SANCTION DTD. 24.12.2013 ISSUED BY THE
IST RESPONDENT FINANCIAL INSTITUTION**

**EXT.P-2: TRUE COPY OF THE NOTICE DTD 7.7.2015 PUBLISHED IN THE HINDU
DAILY**

**EXT.P-3: TRUE COPY OF THE REPRESENTATION DTD 19.8.2015 SUBMITTED BY
THE PETITIONERS BEFORE THE IST RESPONDENT FINANCIAL INSTITUTIONS**

**EXT.P-3(A): TRUE COPY OF THE POSTAL RECEIPT IN RESPECT OF THE
REPRESENTATION DTD. 19.8.2015 SUBMITTED BY THE PETITIONERS**

**EXT.P-4: TRUE COPY OF THE NOTICE EXHIBITED IN FRONT OF THE HOUSE OF
THEPETITIONERS BY THE IST RESPONDENT INSTITUTION.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.28847 OF 2015 (E)

Dated this the 20th day of October, 2015

J U D G M E N T

The petitioners, who are the mother-in-law and the wife of the 2nd respondent, who had availed of a housing loan from the 1st respondent company, are aggrieved by the steps taken by the 1st respondent company against the property wherein the petitioners are residing, for recovery of the defaulted loan amounts by the 2nd respondent. In the writ petition, the petitioners as well as the 2nd respondent, who are represented in these proceedings by counsel, undertake that they shall discharge the liability due to the 1st respondent company in 12 equal and successive monthly installments. Taking note of the said submission of counsel for the petitioners as well as the 2nd respondent, I dispose the writ petition as follows:

- (i) The total amount due to the 1st respondent company as discernible from Ext.P4 notice issued to the petitioners is stated to be Rs.38,60,213/- together with accrued interest from 26.8.2015. Accordingly, if the petitioners and the 2nd respondent remit the said amount of Rs.38,60,213/- in 12 equal and monthly

installments commencing from 16.11.2015, then further proceedings for recovery against the petitioners shall be kept in abeyance.

(ii) It is made clear that if the petitioners commit a default in respect of any of the installments, they will lose the benefit of this judgment and the 2nd respondent company will be free to continue the recovery proceedings against them from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/21/10/15