

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 33372 of 2015 (V)

PETITIONER:

**JAMES.M.X, AGED 37, S/O.XAVIER M.O,
2/358, MANAYATH HOUSE, AYANINADA (N),
KOCHI- 628304, ERNAKULAM DISTRICT.**

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENT(S):

- 1. ORIENTAL BANK OF COMMERCE,
REPRESENTED BY ITS BRANCH MANAGER,
PANAYAPPALLY BRANCH, KOCHI,
ERNAKULAM DISTRICT, PIN - 682011.**
- 2. AUTHORISED OFFICER,
ORIENTAL BANK OF COMMERCE,
PANAYAPPALLY BRANCH, KOCHI,
ERNAKULAM DISTRICT - 682011.**

BY SRI.SAJI P.JOSEPH, SC

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

mbr/

WP(C).No. 33372 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1:- THE TRUE COPY OF THE SAVINGS BANK ACCOUNT OF THE PETITIONER.**
- P2:- THE TRUE COPY OF THE E-AUCTION PUBLIC NOTICE DTD 7/10/2015 ISSUED BY THE RESPONDENT.**
- P3:- TRUE COPY OF THE REQUEST DTD 28/10/2015 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.**

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

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P (C).No.33372 of 2015
.....
Dated this the 9th day of November, 2015

J U D G M E N T

The petitioner had approached this Court aggrieved by Ext.P2 E-auction notice that was published by the respondent bank in connection with recovery of alleged defaulted loan amounts from the petitioner. In the writ petition, it is the specific case of the petitioner that immediately after publication of Ext.P2 notice, the petitioner had approached the respondent bank and had paid the overdue amounts but the respondent bank did not withdraw the E-auction notice and insisted on the petitioner getting a court order to effect regularisation of the loan account.

2. I have heard the learned counsel for the petitioner and 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 and taking note of the fact that the petitioner has since paid substantial amounts towards the overdue amounts due to the respondent bank in connection with the loan availed by the petitioner, I dispose the writ petition with a direction to the respondent bank to refrain

from proceeding further with Ext.P2 E-auction notice. If there is any further amount to be paid by the petitioner for the purposes of regularising the loan account, the same shall be intimated to the petitioner within a week from today, and on receipt of any such intimation, the petitioner shall forthwith pay the overdue amount within a period of one week thereafter. The respondent bank shall regularise the loan account of the petitioner within a week from the date of receipt of the overdue payments from the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/9.11.15

