

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 33994 of 2015 (Y)

PETITIONER(S):

**MUHAMMED JAMAL N., AGED 46 YEARS
S/O MARAKKAR HAJI, NEROTH HOUSE, MANGAD PO
UNNIKULAM, BALUSSERY, KOZHIKODE(DT)-673 572**

**BY ADVS.SRI.PHILIP ANTONY CHACKO
SRI.P.M.SEBASTIAN**

RESPONDENT(S):

**1. CANARA BANK
RERPESENTED BY ITS CHAIRMAN& MANAGING DIRECTOR, 112
JC ROAD, HEAD OFFICE, BANGALORE-560 002**

**2. CANARA BANK
CALICUT SSI BRANCH, FIRST FLOOR, AYSHA BUILDING
JAIL ROAD, CALICUT-673 004**

R BY SRI.P.GOPINATH MENON, SC, CANARA BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 33994 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: THE TRUE COPY OF THE STATEMENT OF ACCOUNT FOR
GENERAL ADVANCES FOR THE PERIOD 1/8/12 TO 3/11/15 FOR THE
TERM LOAN IN THE NAME OF BAKE AND CAKE WITH ACCOUNT
NO. 2385773001109 ISSUED BY THE 2ND RESPONDENT TO THE
PETITIONER**
- EXT.P2: THE TRUE COPY OF THE STATEMENT OF ACCOUNT FOR THE
PERIOD 1/8/12 TO 3/11/15 FOR THE OPEN CASH CREDIT IN THE
NAME OF BAKE AND CAKE WITH ACCOUNT NO. 2385261000358
ISSUED BY TEH 2ND RESPONDENT TO THE PETITIONER**
- EXT.P3: THE TRUE COPY OF THE NOTICE DT. 15/10/15 ALONG WITH THE
ENCLOSURE-SALE NOTICE-E-AUCTION NOTICE ISSUED BYT EH
1ST RESPONDENT AND SERVED ON THE PETITIONER ON 31/10/15**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE

SB

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.33994 of 2015 - y

=====

Dated this the 12th day of November, 2015

J U D G M E N T

The petitioner, a defaulter in repaying the loan availed of from the 2nd respondent is before this Court challenging the recovery proceedings initiated against him. The liability and the default is admitted and the only contention is against failure to intimate quantification. Considering the facts of the case and the alleged impecunious circumstances of the petitioner, this writ petition is disposed of on the following term:-

(i) The petitioner shall produce a certified copy of this judgment before the 2nd respondent by 20.11.2015.

(ii) Recovery proceedings shall be kept in abeyance on condition that the petitioner remits an amount of Rs.1,00,000/- on or before 20.11.2015 and the 2nd respondent shall grant four monthly instalments for the payment of the balance dues, starting from 12.12.2015.

(iii) The 2nd respondent shall quantify the amounts

due under the various transactions of the petitioner and inform the petitioner in writing the amounts due as on 30.11.2015.

(iv) On the petitioner making a single default, the recovery steps initiated shall revive and continue.

(v) On the 4th instalment being satisfied, the respondent shall issue a statement of the interest accrued from 30.11.2015 which shall be satisfied by the petitioner on the 5th of the succeeding month.

(vi) On the petitioner satisfying the entire arrears, the recovery proceedings shall be unenforceable.

Writ Petition is disposed of as above, making it clear that the respondent will be free to proceed with the recovery if the above conditions are not complied with.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/12/11/2015

// true copy //

P.A to Judge.