IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 35135 of 2014 (N)

PETITIONER:

K.J.BABU, S/O. JOSEPH, AGED 55,
KAVALAMTHARA HOUSE, PONNURUNNI DESOM,
PONOTHARA VILLAGE, THAMMANAM P.O.,
KANAYANNUR TALUK, ERNAKULAM DISTRICT - 682 032.

BY ADV. SRI.P.S.SUJETH

RESPONDENT:

THE BRANCH MANAGER,
ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD.,
ERNAKULAM MAIN BRANCH, CHITTOOR ROAD,
ERNAKULAM, KOCHI - 682 016.

BY SMT.I.SHEELA DEVI, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 35135 of 2014 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 - **THE TRUE COPY OF THE DEMAND NOTICE DATED 14.10.2014 ISSUED BY THE RESPONDENT.**

EXHIBIT P2 - **TRUE COPY OF REPRESENTATION GIVEN TO THE BRANCH MANAGER DATED 20.10.2014.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

....

W.P.(C).No.35135 of 2014

....

Dated this the 7th day of January, 2015

<u>JUDGMENT</u>

The petitioner who had availed of two loans from the respondent bank, for a total amount of Rs.20 lakhs, defaulted on 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.P1 is the notice issued by the respondent bank. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Smt.I.Sheela Devi, the learned Standing counsel appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with the following directions:

i. The total overdue amount to the respondent bank, as of today, in respect of the two loans is stated to be an amount of

Rs.1,48,627/-. Accordingly, if the petitioner pays the said amount of Rs.1,48,627/- together with accrued interest in three equal and successive monthly instalments commencing from 30.01.2015, and continues to pay 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 currently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/