

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 35273 of 2014 (H)

PETITIONER(S):

**K.J DENNIS,
PROPRIETOR, M/S.EUROMATS, VOLGA JUNCTION,
KALAVOOR P.O., ALAPPUZHA - 688 522.**

BY ADV. SRI.V.S.AFSAL KHAN

RESPONDENT(S):

- 1. THE CHAIRMAN, UNION BANK OF INDIA
UNION BANK BHAVAN, MARG, NARIMAN POINT
MARG, NARIMAN POINT, MUMBAI 400 021,
MAHARASTRA.**
- 2. GENERAL MANAGER,
FIELD GENERAL MANAGER'S OFFICE, UNION BAK BHAVAN, 139
BROADWAY, CHENNAI 600 108.**
- 3. THE BRANCH MANAGER/
AUTHORIZED OFFICER, UNION BANK OF INDIA
ALAPPUZHA BRANCH, ALAPUZHA - 688 522.**

BY SRI.A.S.P.KURUP, SC, UBI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE LETTER DATED 21/8/2008 SANCTION OF CREDIT FACILITIES ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- P2: A TRUE COPY OF THE LETTER DATED 18/11/2011 SHOWING THE REPAYMENT PERIOD OF THE LOAN.
- P3: A TRUE COPY OF THE LETTER DATED 7/10/2011 FILED BY THE PETITIONER
- P4: A TRUE COPY OF THE LETTER DATED 10/11/2012 FILED BY THE PETITIONER
- P5: A TRUE COPY OF THE LETTER DATED 12/4/2013 FILED BY THE PETITIONER
- P6: A TRUE COPY OF THE LETTER DATED 9/12/2013 FILED BY THE PETITIONER TO THE 3RD RESPONDENT.
- P7: A TRUE COPY OF THE LETTER ROT: CRLD:403 DATED 27/12/2013 ISSUED BY THE RESPONDENT BANK.
- P8: A TRUE COPY OF THE LETTER DATED 22/7/2014 ISSUED BY THE RESPONDENT TO THE PETITIONER
- P9: A TRUE COPY OF THE LETTER DATED 11/8/2014 FILED BY THE PETITIONER
- P10: A TRUE COPY OF THE LETTER DATED 10/10/2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER. FILED BY THE PETITIONER
- P11: A TRUE COPY OF THE LETTER DATED 9/10/2014 FILED BY THE PETITIONER
- P12: A TRUE COPY OF THE NOTICE DATED 13/10/2014 U/S. 13(2) SARFAESI ACT ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- P13: A TRUE COPY OF THE LAWYER NOTICE DATED 4/11/2014.
- P14: A TRUE COPY OF THE REPLY NOTICE DATED 26/11/2014.
- P15: A TRUE COPY OF THE OTS APPLICATION DATED 12/12/2014 FILED BY THE PETITIONER
- P16: A TRUE COPY OF THE LETTER DATED 15/12/2014 ISSUED BY THE RESPONDENT TO THE PETITIONER
- P17: A TRUE COPY OF THE REPRESENTATION DATED 17/12/2014 FILED BY THE PETITIONER TO THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.35273 of 2014

.....
Dated this the 5th day of January, 2014

JUDGMENT

The petitioner, who defaulted on repayment of a term loan of Rs.5,75,00,000/- lakhs that was availed by him in 2008, is aggrieved by Ext.P12 notice issued to him by the respondent Bank under Section 13(2) of the SARFAESI Act. Although various contentions are raised in the writ petition against Ext.P12 notice, at the time of hearing the petitioner would confine his prayers to a direction to the 1st respondent to consider Ext.P17 request for one time settlement that has been preferred by him before the said respondent.

2. I have heard Sri.V.S.Afsal Khan, the learned counsel for the petitioner and Sri.A.S.P.Kurup, the learned Standing counsel for the respondent Bank.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I direct the 1st respondent to consider Ext.P17 representation preferred by the petitioner for one time settlement, within a period of one month from the date of receipt of a copy of this judgment, after hearing

the petitioner in the mater for which the petitioner shall be given due notice sufficiently in advance. Further proceedings, pursuant to Ext.P12 notice, shall be kept in abeyance till such time as orders are passed by the 1st respondent as directed in the judgment and communicated to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

