

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 35887 of 2015 (I)

PETITIONER:

PRIYAMVADA L., AGED 67 YEARS,
W/O.SANKAR, CHARIVUTHUNDIL
KALPANA HOUSE, AICKADU,
KODUMON P.O., PATHANAMTHITTA 691555.

BY ADVS.SRI.MANU RAMACHANDRAN
SRI.C.PRAKASH

RESPONDENTS:

1. THE CHIEF MANAGER AND AUTHORISED OFFICER,
FEDERAL BANK, STRESS ASSET MANAGEMENT CELL,
ZONAL OFFICE, S.H. MOUNT P.O., KOTTAYAM, 686006.
2. THE BRANCH MANAGER, FEDERAL BANK,
CHANDANAPALLY BRANCH,
PATHANMATHITTA 691 501.

BY ADV. SRI.A.ANTONY
Y ADV. SMT.LEELAMMA ANTONY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 35887 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 :- THE GOLD LOAN RECEIPTS DTD 11/9/2014 ISSUED BY THE
 FEDERAL BANK, CHANDANAPPALLY BRANCH

EXHIBIT P2 :- THE DEMAND NOTICE DTD 4/10/2015 ISSUED BY THE 2ND
 RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

ncd

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.35887 of 2015

.....
Dated this the 3rd day of December, 2015

J U D G M E N T

The petitioner who had availed of a gold loan from the respondent bank, defaulted in repayment of the same. The Bank, therefore, initiated proceedings for sale of the gold ornaments pledged by the petitioner. In the writ petition, the prayer of the petitioner is for a direction to the respondent bank to regularise the loan account by accepting the differential value of the gold and to continue the loan account for a further period of one year. The learned Standing counsel for the respondent bank would submit that in order to regularise the loan account, and extend the same for a further period of one year, the petitioner would have to pay an amount of Rs.6,65,589/- and only thereafter, the application for renewal of the loan account can be accepted and processed in favour of the petitioner. Taking note of the said submission, I dispose the writ petition with the following directions:

- (i) If the petitioner pays the aforesaid amount of Rs.6,65,589/- in two equal successive monthly instalments commencing from 21.12.2015, then the respondent bank shall, subject to the petitioner complying with the other formalities required for the same, extend the validity of the loan for a further period of one year.

(ii) The respondent bank is free to credit the amount of Rs.2,48,000/-, stated to have been paid by the petitioner by way of a cheque, to the loan account of the petitioner forthwith. The petitioner shall remit the balance amount of Rs.4,17,589/- in the two instalments referred above.

(iii) It is made clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to take recovery proceedings against him.

A.K.JAYASANKARAN NAMBIAR
JUDGE

