

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 36783 of 2015 (W)

PETITIONER:

**BAPPU P. @ PATTATH BAPPU,
S/O.HASSANARUKUTTY, PACHATHIRI AMSOM,
PARAVANNA DESOM, P.O VAKKAD,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S):

- 1. THE TIRUR URBAN CO-OPERATIVE BANK,
NO.F1818, HEAD OFFICE, TIRUR,
REPRESENTED BY ITS AUTHORISED OFFICER - 676104.**
- 2. THE ASSISTANT MANAGER IN CHARGE,
THE TIRUR URBAN CO-OPERATIVE BANK LTD,
NO.F1818, HEAD OFFICE, TIRUR,
REPRESENTED BY ITS AUTHORISED OFFICER - 676104.**

BY ADV. SRI.M.SASINDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 36783 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

**P1:- A TRUE COPY OF THE NOTICE DTD 19/3/2015 ISSUED BY THE
1ST RESPONDENT TO THE PETITIONER.**

**P2:- A TRUE COPY OF THE POSSESSION NOTICE DTD 31/10/2015 ISSUED BY THE
2ND RESPONDENT TO THE PETITIONER.**

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

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 36783 of 2015

Dated this the 4th day of December, 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent bank, defaulted in repayment of 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.P2 is the possession notice issued to the petitioner under the SARFAESI Act. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the balance amounts outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

- (i) The total overdue amount, in respect of the loan, is stated to be Rs.5,27,711/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.5,27,711/- together with accrued interest in five equal and successive monthly installments commencing from 20.12.2015, and continues to keep up the regular installments as per the original loan schedule, then the recovery steps initiated against him 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 installments, 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 presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE