

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38405 of 2015 (A)

PETITIONER:

**VIKRAMAN C.P,
S/O.PEETHAMBARAN, PROPRIETOR, M/S.V.RUBBERS,
REVATHI, MANGARAM, KONNI.P.O-689691.**

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT:

**THE SOUTH INDIAN BANK,
REPRESENTED BY ITS AUTHORISED OFFICER/CHIEF MANAGER,
KONNI BRANCH, PATHANAMTHITTA.**

BY SRI.K.K.JOHN,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 38405 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 A TRUE COPY OF THE ORDER DT.12-10-2015 IN CRL.M.P.NO.3365/2015 IN
 M.C.186/2015 OF THE CHIEF JUDICIAL MAGISTRATE,PATHANAMTHITTA**

**P2 A TRUE COPY OF THE NOTICE ISSUED BY ADV.S.VIJAYASREE
 PATHANAMTHITTA DT.19-11-2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 38405 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

The petitioner, who had availed of an overdraft facility 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 notice issued to the petitioner by the Advocate Commissioner 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 outstanding amount, in respect of the loan, is stated to be Rs.9,72,000/- together with accrued interest from 30.11.2015. Accordingly, if the petitioner remits the aforesaid amount of Rs.9,72,000/- together with accrued interest in ten equal and successive monthly installments commencing from 05.01.2016, 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.
- (iii) The respondent bank shall, within ten days from today, provide the petitioner with an upto-date statement of accounts so as to enable the petitioner to discharge the liability in accordance with the directions of this judgment.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE