

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 19TH DAY OF SEPTEMBER 2023 / 28TH BHADRA, 1945

WP(C) NO. 27597 OF 2023

PETITIONER:

UNNEENKUTTY.K.
AGED 49 YEARS
S/O MOITHU.K., KOORIKKADAN HOUSE,
PALAKKAZHI, KARKITAMKUNNU.P.O.,
PALAKKAD DISTRICT, PIN - 678601
BY ADV P.K.ABOOBACKER(EDAPPALLY)

RESPONDENTS:

- 1 THE AUTHORISED OFFICER UNDER SARFAESI ACT
KERALA GRAMIN BANK, REGIONAL OFFICE,
SUN TOWER, EAST FORT. P.O., THRISSUR, PIN - 680005
- 2 THE BRANCH MANAGER
KERALA GRAMIN BANK, ALUNGAL BRANCH,
KARKITAMKUNNU.P.O., PALAKKAD DISTRICT, PIN - 678601

OTHER PRESENT:

JAWAHAR JOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BABU, J.

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W.P.(C.) No. 27597 OF 2023

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Dated this the 19th day of September, 2023

J U D G M E N T

The reliefs prayed for in this Writ Petition are as follows:-

“ i) To call for the records relating to Exhibits P1 to P2 and to issue a Writ of Certiorari or any other appropriate writ, direction or order quashing Ext P2 Possession Notice and further proceedings pursuant to it being illegal, improper, and issued without complying with the formalities as per the SARFAESI Act and Rules and which is against the Principles of Natural Justice.

ii). To Issue a Writ of Mandamus or any other appropriate writ, direction or order directing the respondents to regularize the Loans considering the substantial amounts paid by the petitioner and allow the petitioner to pay the outstanding dues in reasonable installments and allow the petitioner to pay the regular monthly installments towards the loan along with it.

iii) To Issue a Writ of Mandamus or any other appropriate writ, direction or order directing the respondents not to proceed pursuant to Ext P2 possession Notice and allow the petitioner to pay the due amounts in a reasonable monthly instalments.

iv) Grant such other reliefs that may be deemed fit by this Hon'ble Court in due course of this case and to pass cost of this case. "

2. Heard both sides.

3. Upon instructions the learned counsel for the respondent Bank submitted that the total amount due to the bank is Rs.25,15,017/- as on 21/08/2023. The Bank is agreeable to permit the petitioner to remit the amount in 18 instalments.

In the above circumstances, the Writ Petition is disposed of with the following directions:-

(i) The petitioner shall remit the total amount of Rs.25,15,017/- together with any accrued interest and charges in 18 equal monthly instalments.

(ii) The first instalment shall be paid on or before 30.10.2023 and the subsequent instalments shall be paid on the last working day of every succeeding month.

(iii) The respondent Bank shall accept the loan amount from the petitioner as stated above.

(iv) In the event of default of payment of any one instalment, the respondent Bank is entitled to proceed in accordance with law.

(v) The proceedings initiated under the SARFAESI Act against the petitioner shall be kept in abeyance to facilitate repayment as stated above.

Sd/-
K. BABU
JUDGE

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APPENDIX OF WP(C) 27597/2023

PETITIONER EXHIBITS :

EXHIBIT P1	THE TRUE PHOTO COPY OF THE DEMAND NOTICE WITH NO.175/KGB/RL/ SARFAESI/ 957906/2023 DATED 22.5.2023 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2	THE TRUE PHOTO COPY OF THE POSSESSION NOTICE WITH REF:NO. NIL DATED 11.8.2023 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT

// True Copy // PA To Judge