

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 3RD DAY OF OCTOBER 2012/11TH ASWINA 1934

WP(C) .No. 22935 of 2012 (N)  
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PETITIONER(S) :  
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1. P.C.AUGUSTHY, AGED 42 YEARS  
S/O.CHACKO, PULLUMATTATHIL HOUSE, VALIYAPARAMBUKARI  
KOOMANTODU POST, PAYAM, KANNUR DISTRICT.
2. MATHEW, AGED 61 YEARS  
S/O.PAUL, KOOTTARAPALLIL HOUSE, ANGADIKADAVU POST  
KILIYANTHARA, KANNUR DISTRICT.

BY ADVS.SRI.C.C.ABRAHAM  
SRI.V.J.JAMES  
SRI.J.THRIDEEP  
SRI.NAVIA SEBASTIAN

RESPONDENT(S) :  
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1. THE KERALA STATE CO-OPERATIVE BANK LTD.  
REPRESENTED BY THE REGIONAL MANAGER  
KOZHIODE REGION, KOZHIKODE.
2. THE BRANCH MANAGER  
KERALA STATE CO-OPERATIVE BANK LTD, KANNUR BRANCH  
KANNUR DISTRICT.

BY SRI.K.RAVIKUMAR, SC, KERALA STATE COOPERATIVE BANK LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
03-10-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1. TRUE COPY OF THE COMMUNICATION  
NO.CRM/OTS/C/140/KNR/5443/2010-2011 DATED 1/3/2011 SENT BY THE DEPUTY  
GENERAL MANAGER I/C (CRM) OF THE 1ST RESPONDENT.

EXHIBIT P2. TRUE COPY OF THE MEDICAL CERTIFICATE NO.2355 DATED 1/3/2011  
ISSUED FROM THE AKG MEMORIAL CO-OPERATIVE HOSPITAL KANNUR.

EXHIBIT P3. TRUE COPY OF THE MEDICAL CERTIFICATE DATED 11/5/2012 ISSUED  
FROM THE AKG MEMORIAL HOSPITAL, KANNUR.

EXHIBIT P4. TRUE COPY OF THE NOTICE NO.CRO/SRE/23/1008/2011-12 DATED  
22/2/2012 FROM THE 1ST RESPONDENT.

EXHIBIT P5. TRUE COPY OF THE COMMUNICATION NO.CB/(1)24145/2012 DATED  
7/6/2012 SENT BY THE ADDL.REGISTRAR (CREDIT) COPY ENDORSED TO THE 2ND  
RESPONDENT.

EXHIBIT P6. TRUE COPY OF THE NO.KNR/1101/2012-13 DATED 25/7/2012 FROM  
THE 2ND RESPONDENT.

//True Copy//

PA to Judge

Rp

**ANTONY DOMINIC, J.**  
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**W.P.(C) NO. 22935 OF 2012**  
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**Dated this the 3<sup>rd</sup> day of October, 2012**

**J U D G M E N T**

First petitioner availed of a loan from the 2<sup>nd</sup> respondent Bank and the second petitioner is his surety. Default was committed and the Bank has initiated proceedings under the SARFAESI Act evidenced by Ext.P4 notice issued under Section 13 (2) of the Act. In this writ petition, petitioners are not disputing the liability but are only seeking time to pay the amount.

2. Standing counsel appearing for the respondents submits that as on 30/9/2011, the liability due was ₹6,94,559/-. Therefore, he says that having regard to the huge liability that is due, the Bank should be permitted to proceed with the action.

3. As already stated, petitioners are seeking only a reasonable time to settle the liability. Considering the nature of this request and also taking note of the medical condition of the first petitioner, I am inclined to allow the petitioners time to pay off the amounts due in 8 equal monthly instalments. The first instalment shall be paid on or before 15/10/2012 and the subsequent instalments shall be paid on or before the 15<sup>th</sup> of

every succeeding month. Subject to payment without default as above, coercive action will be deferred and in case of default, the respondents are free to continue the action already initiated.

Writ petition is disposed of as above.

**ANTONY DOMINIC, JUDGE**

Rp