

E.V.Thomas Vs. the Regional Manager/Authorised Officer, Kerala State Co-ope

E.V.Thomas Vs. the Regional Manager/Authorised Officer, Kerala State Co-ope

SooperKanoon Citation : sooperkanoon.com/1018212

Court : Kerala

Decided On : Jul-08-2013

Judge : Honourable Mr.Justice a.M.Shaffique

Appellant : E.V.Thomas

Respondent : The Regional Manager/Authorised Officer, Kerala State Co-ope

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE A.M.SHAFIQU MONDAY,THE 8TH DAY OF JULY 2013 17TH ASHADHA, 1935 WP(C).No. 17097 of 2013 (J) ----- PETITIONER : ----- E.V.THOMAS, AGED 6 YEARS, S/O. ERAYIL VILLIAN THOMAS, C.FINES GARMENTS, M.G.ROAD, ERNAKULAM. BY ADVS.SRI.SUNIL NAIR PALAKKAT SRI.K.N.ABHILASH SMT.R.LEELA RESPONDENTS : ----- 1. THE REGIONAL MANAGER/AUTHORIZED OFFICER, KERALA STATE CO-OPERATIVE BANK LTD, DORIASWAMY IYER ROAD, ERNAKULAM, COCHIN-682 035.

2. THE MANAGER, KERALA STATE CO-OPERATIVE BANK LTD., PULLEPADY, CHITOOR ROAD, COCHIN-682 035. R1 & R2 BY ADV. SRI.K.RAVIKUMAR, SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-07-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts

WP(C).No. 17097 of 2013 (J) ----- APPENDIX
PETITIONER(S)' EXHIBITS ----- P1 : COPY OF THE
LETTER DTD.24.5.2013 ERO/202/SRE.899/142/2013-14 ISSUED BY THE
KERALA STATE CO-OPERATIVE BANK LTD. P2 : COPY OF THE LETTER
DTD.3.6.2013 ISSUED TO THE AUTHORIZED OFFICER. P3 : COPY OF THE
LETTER DTD.5.6.2013 ISSUED BY THE KERALA STATE CO- OPERATIVE
BANK LTD. P4 : COPY OF THE REPRESENTATION DTD.17.6.2013 ISSUED BY
THE PETITIONER. RESPONDENT(S)' EXHIBITS: NIL /TRUE COPY/
P.A.TO.JUDGE sts A.M.SHAFFIQUE,J.

----- W.P.(C).No.17097 OF 2013.----- Dated this
the 8th day of July, 2013 JUDGMENT Petitioner is admittedly a debtor in respect
of loan taken from the respondent bank. It is stated that proceedings were taken
by the respondent in terms of Ext.P1 for effecting sale of the petitioner's property.
The amount due is shown as Rs.49,89,837/-. The petitioner had submitted Ext.P4
representation before the President of the respondent bank. Petitioner submits
that if one time settlement is granted in the matter, petitioner will be able to
discharge the debt in instalments.

2. Having regard to the fact that the petitioner has an efficacious alternative
remedy to challenge the proceedings under the Securitization and Reconstruction
of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter
referred to as SARFAESI Act), I do not intend to interfere with the action taken by
the respondent bank. However, in view of the fact that the petitioner seeks some
indulgence from the respondent bank, I am of the view that this writ petition can be
disposed of with a direction to the respondent bank to consider Ext.P4 and pass
appropriate orders.

3. In the result, this writ petition is disposed as follows: W.P.(C).No.17097 OF
2013.2 The Board of the respondent bank shall consider Ext.P4 representation
submitted by the petitioner before the President of the respondent Bank and
appropriate orders may be passed within a period of two months from the date of
receipt of a copy of this judgment. A.M.SHAFFIQUE, JUDGE cms