

Lalithabai Amma Vs. Chief Manager

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Court : Kerala

Decided On : Dec-20-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Lalithabai Amma

Respondent : Chief Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON FRIDAY, THE 20TH DAY OF DECEMBER 2013 29TH AGRAHAYANA, 1935 WP(C).No. 31678 of 2013 (H) ----- PETITIONER(S): ----- LALITHABAI AMMA BIJU BHAVAN, MEVANAKONAM KALLUVATHUKKAL P.O. KOLLAM BY ADV. SRI.K.SUBASH CHANDRA BOSE RESPONDENT(S): -----
1. CHIEF MANAGER STATE BANK OF TRAVANCORE RSMECCC, SARC, KOLLAM - 691 001 2. THE SENIOR BRANCH MANAGER STATE BANK OF TRAVANCORE LAKSHMI BUILDINGS, CHATHANNOOR, KOLLAM - 691 001 R BY SRI.R.S.KALKURA, SC, SBT THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 2012-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.C(c)NO.31678/2013 APPENDIX PETITIONER'S EXHIBITS EXT.P1 : TRUE COPY OF the TREATMENT CHIT OF THE PETITIONER FROM THE REGIONAL CANCER CENTRE THIRUVANANTHAPURAM DATED 12.11.2013 EXT.P2 TRUE COPY OF THE COUNTERFOILS EXT.P3 TRUE COPY OF THE STATEMENT OF ACCOUNTS

DATED0609.2013 EXT.P4 TRUE COPY OF THE NOTICE DATED712.2013 /True Copy/ PA to Judge P.R.RAMACHANDRA MENON, J.

----- W.P.(c) No.31678 OF2013-----

----- Dated this the 20th day of December, 2013

JUDGMENT

The petitioner is constrained to approach this Court because of the coercive steps being pursued by the respondent Bank in connection with the loan availed by the petitioner. It is stated that the petitioner had availed a housing loan from the respondent Bank creating security interest over the property concerned . But repayment could not be made on time as scheduled, because of some unforeseen circumstances, particularly when the petitioner was undergoing treatment for Cancer, which made the petitioner a defaulter, whereupon the Bank proceeded with coercive steps under the SARFAESI Act. This made the petitioner to approach this Court by filing this writ petition.

2. The learned counsel for the petitioner submits that the default was never wilful, but because of some frustrating pecuniary circumstances and that the only prayer sought for is to permit the petitioner to clear the entire overdue amount in a phased manner. W.P.(C)No.31678/2013 2 3. Heard the learned Standing Counsel for the respondent Bank as well.

4. After hearing both the sides, this Court finds it proper to permit the petitioner to clear the entire 'overdue amount' by way of 'five' equal monthly instalments. The first instalment shall be effected on or before the 15th of January 2014. It will be followed by similar instalments to be effected on or before the 15th of the succeeding months. It is also made clear that the payment of the overdue instalment shall be effected in addition of the payment of regular monthly instalments. Subject to this, the recovery proceedings shall be kept in abeyance for the time being. If the petitioner commits any default in remitting the overdue amounts/arrears as above or in the event of committing two consecutive defaults in respect of the regular E.M.Is., payable, the respondent Bank will be at liberty to proceed with further steps for realisation of the entire outstanding liability in a lump, pursuing appropriate steps, from the stage where it stands now. Writ petition

is disposed of as above. P.R.RAMACHANDRA MENON sv. JUDGE
W.P.(C)No.31678/2013 2

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