

Adv. E.M. Sunilkumar vs Union of India

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/246/2023

Appellant : Adv. E.M. Sunilkumar

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI TUESDAY,
THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA, 1944 WP(C)
NO. 246 OF 2023 PETITIONER: ADV. E.M. SUNILKUMAR AGED 55
YEARS S/O. MADHAVA PANICKER, EDANILATHU HOUSE, N.K.S.
ROAD, PACHALAM, ERNAKULAM-, PIN - 682012 BY ADV M.SHYJU
RESPONDENTS: 1 UNION OF INDIA REPRESENTED BY THE
SECRETARY, MINISTRY OF MICRO, SMALL AND MEDIUM
ENTERPRISES, NEW DELHI- 110001

2 THE AUTHORISED OFFICER/CHIEF MANAGER BANK OF BARODA,
PALARIVATTOM BRANCH, DOOR NO. 43/479, PREETHI BUILDING,

OPP. SASTHA TEMPLE, PALARIVATTOM- THAMMANAM ROAD,
PALARIVATTOM, ERNAKULAM DISTRICT,, PIN - 682025 3 THE
BRANCH MANAGER, BANK OF BARODA, PALARIVATTOM BRANCH,
PALARIVATTOM, ERNAKULAM DISTRICT,, PIN - 682025 SRI. S.
MANU, DSGI SRI.NAGARAJ NARAYANAN,SC THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C)
NO. 246 OF 2023 2

T.R. RAVI, J.

W.P.(C).No.246 of 2023 Dated this the 28th day of February, 2023

JUDGMENT

The petitioner seeks permission to pay off the amounts outstanding in instalments. The Standing Counsel for the respondents submits that a sum of around Rs.73,00,000/- is due. In the above circumstances, the writ petition is disposed of directing the petitioner to pay a sum of Rs.10,00,000/- on or before 30.03.2023. The balance outstanding shall be paid along with accrued interest in 14 equal monthly instalments, the first instalment falling due on or before 30.04.2023 and the subsequent instalments falling due on or before the 30 th of the succeeding months. If the petitioner makes two defaults in the payment of instalments, as directed above the respondents will be at liberty to continue with coercive steps for recovery. The coercive steps initiated shall be kept in abeyance to facilitate the payment of instalments as directed above. Sd/- T.R.RAVI JUDGE LEK WP(C) NO. 246 OF 2023 3 APPENDIX OF WP(C) 246/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE NOTICE DATED 6.9.2021 UNDER SECTION 13(2) OF SARFAESI ACT ISSUED BY THE 2ND RESPONDENT Exhibit P2 TRUE COPY OF THE POSSESSION NOTICE DATED 18.3.2022 ISSUED BY THE 2ND RESPONDENT Exhibit P3 TRUE COPY OF THE NOTICE ISSUED BY THE

ADVOCATE COMMISSIONER DATED 28.9.2022 FOR TAKING PHYSICAL POSSESSION OF THE PROPERTY IN M.C. NO. 527/2022 Exhibit P4 TRUE

COPY OF RECEIPT DATED 14.10.2022 EVIDENCING PAYMENT OF AN
AMOUNT OF RS.7,79,180/-

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