

Nithya. C vs Authorised Officer Under Sarfaesi Act 2002

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Court : Kerala

Decided On : Apr-03-2023

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/11882/2023

Appellant : Nithya. C

Respondent : Authorised Officer Under Sarfaesi Act 2002

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI MONDAY,
THE 3RD DAY OF APRIL 2023 / 13TH CHAITHRA, 1945 WP(C) NO.
11882 OF 2023 PETITIONERS: 1 NITHYA. C AGED 41 YEARS W/O.
SUJITH. A, CHERUVADATHIL HOUSE, ALIKEEZH, NARATH PO,
KOLACHERY, KANNUR., PIN - 673592 2 SUJITH. A AGED 45 YEARS
CHERUVADATHIL HOUSE, ALIKEEZH, NARATH PO, KOLACHERY,
KANNUR, PIN - 673592 BY ADV RAHUL S. RESPONDENT:
AUTHORISED OFFICER UNDER SARFAESI ACT 2002 THE KERALA
STATE CO-OPERATIVE BANK LTD, KANNUR REGIONAL OFFICE,
KANNUR DISTRICT, KERALA, PIN - 670001 BY ADV M.SASINDRAN
THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION

ON 03.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 11882 OF 2023 2

T.R. RAVI, J.

W.P.(C).No.11882 of 2023 Dated this the 3rd day of April, 2023

JUDGMENT

The prayer in the writ petition is to permit the petitioners to pay off the overdue amounts in the loan account availed from the respondent in easy instalments and to regularise the loan account. The Standing Counsel on instructions submits that the overdue amount is Rs.7,66,778/-. In the above circumstances, the writ petition is disposed of directing the petitioners to pay off the overdue amount of Rs.7,66,778/- in 15 equal monthly instalments, the first instalment falling due on or before 03.05.2023 and the subsequent instalments falling due on or before the 3rd of the succeeding months. The petitioners shall also pay the regular monthly instalments along with the instalments towards the overdue amount as stated above. If the petitioners pay the entire overdue amount, the respondent shall regularise the loan account. If the petitioners make a single default in the payment of instalments, the respondent will be at liberty to continue with coercive steps for recovery. The coercive steps initiated WP(C) NO. 11882 OF 2023 3 shall be kept in abeyance to facilitate the payment of instalments as directed above. Sd/- T.R.RAVI JUDGE LEK WP(C) NO. 11882 OF 2023 4 APPENDIX OF WP(C) 11882/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE POSSESSION NOTICE DATED 28-02-2023 Exhibit P2 TRUE COPY OF THE POSSESSION NOTICE DATED 10-03-2023

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