

Deepa.V vs Authorised Officer

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Court : Kerala

Decided On : Feb-24-2020

Judge : Honourable Mr. Justice a.Muhamed Mustaque

Appeal No. : WP(C)/5181/2020

Appellant : Deepa.V

Respondent : Authorised Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE MONDAY, THE 24TH DAY OF FEBRUARY 2020 / 5TH PHALGUNA, PETITIONER: DEEPA.V, AGED 33 YEARS, W/O. PREMKUMAR K.G, KOOTTUVILAKUZHI, PAVITHRESWARAM, KARIMPINPUZHA P O, PUTHOOR, KOLLAM DISTRICT, PIN-690 507. BY ADV. SRI.M.KANNAN RESPONDENTS: 1 AUTHORISED OFFICER PIN-691 531. 2 CORPORATION BANK KOTTARAKKARA BRANCH, THARAKANS BUILDING, PULAMON P O, KOTTARAKKARA, PIN-691 531., REPRESENTED BY ITS BRANCH MANAGER. 3 BRANCH MANAGER, PIN-691 531, THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.02.2020, THE COURT ON THE

SAME DAY DELIVERED THE FOLLOWING: ..2..

JUDGMENT

Dated this the 24th day of February 2020 The petitioner, challenging the SARFAESI proceedings, approached this Court. The learned Standing Counsel for the respondent-Bank submitted that there were no bidders for the sale scheduled today.

2. Having considered the facts and circumstances, it is

appropriate that the petitioner should be given an opportunity to clear the entire dues. Accordingly, this writ petition is disposed of with the following directions:

(i) The petitioner shall pay rupees one lakh within two weeks from today.

(ii) If the petitioner pays rupees one lakh as stated above, the petitioner shall be permitted to clear the balance in eight equal monthly instalments.

(iii) The coercive steps shall be deferred in tune with the ..3.. directions.

(iv) If the petitioner commits any default, the facility would

stand forfeited. This writ petition is disposed of as above. Sd/- A.MUHAMED MUSTAQUE JUDGE PR/24.02.2020 ..4.. APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF POSSESSION NOTICE DATED 12.01.2018 UNDER SECTION 13(2) OF THE SARFAESI ACT ISSUED BY 1ST RESPONDENT. EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN WRIT PETITION CIVIL NO.20891/2018 EXHIBIT P3 TRUE COPY OF THE POSSESSION NOTICE DATED 22.06.2018. EXHIBIT P4 TRUE COPY OF THE NOTICE DATED 24.01.2020 ISSUED BY THE RESPONDENT BANK UNDER SECTION 8(6) OF THE ACT.

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