

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 31ST DAY OF OCTOBER 2016/9TH KARTHIKA, 1938

WP(C).No. 34833 of 2016 (D)

PETITIONER :

**A.Q.MUSLIM, AGED 74 YEARS, S/O.KHAHAR,
BARKATH, ARAKURISI, MANNARKKAD,
PALAKKAD DISTRICT.**

BY ADV. SMT.E.V.MOLY

RESPONDENT :

**VIJAYA BANK, MANNARKKAD BRANCH,
PALAKKAD DISTRICT-678 572,
REPRESENTED BY ITS AUTHORIZED OFFICER.**

BY SMT.LATHA ANAND,SC, VIJAYA BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-10-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.34833/2016

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE JUDGMENT IN WPC.NO.2222/2016 DATED 17/03/2016.**
- P2 COPY OF THE JUDGMENT IN WP(C).NO.2245/2016 DATED 28/01/2016.**
- P3 COPY OF THE REPRESENTATION DATED 08/04/2016**
- P4 COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.M.SHAFIQUE, J

W.P.C.No.34833 of 2016

Dated this the 31st day of October 2016

J U D G M E N T

Petitioner has approached this Court at a stage when an Advocate Commissioner has been appointed by the Chief Judicial Magistrate to take possession of the secured asset.

2. The facts made available in the writ petition itself would disclose that the petitioner had approached this Court earlier by filing W.P.C.Nos.2222/2016 and 2245/2016. According to the petitioner, those writ petitions were filed in respect of separate loan accounts. Though time was granted by this Court to settle the liability, petitioner could not pay the entire amount, as directed. However, some payments were made. Petitioner has sought for further time to settle the liability.

3. Having regard to the fact that the petitioner had already approached this court and judgments had been passed by which appropriate directions had been issued, I do not think that this Court will be justified in interfering with such judgments, at this stage of the proceedings. However, taking into account the fact that the Advocate Commissioner had approached the

petitioner for taking possession of the secured asset, some time can be granted to the petitioner to vacate the premises and accordingly, this writ petition is disposed of as under:

i) The Advocate Commissioner shall defer taking possession of the secured asset for a period of one month from today.

ii) It shall be open for the petitioner to settle the liability within the aforesaid period of one month.

(iii) If the liability is not settled within the aforesaid period, the Advocate Commissioner shall be entitled to take possession of the secured asset without notice to the petitioner and the Bank shall be entitled to take further proceedings, in accordance with law.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr