

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 31<sup>ST</sup> DAY OF AUGUST 2022 / 9TH BHADRA, 1944

WP(C) NO. 15579 OF 2022

**PETITIONER/S:**

JOHN SEBASTIAN,  
AGED 49 YEARS  
S/O. SEBASTIAN,  
NELLIKUNNEL HOUSE,  
THODUPUZHA, OLAMATTOM 685 584.

BY ADV E.V.MOLY

**RESPONDENT/S:**

THODUPUZHA URBAN CO-OPERATIVE BANK LTD.,  
THODUPUZHA , URBAN BANK ROAD THODUPUZHA, KERALA  
685 582, REP. BY ITS AUTHORIZED OFFICER.

**OTHER PRESENT:**

ADV. SAJEEV KUMAR K GOPAL (SC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 31.08.2022, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**GOPINATH P., J**

.....  
**W.P.(C).No. 15579 of 2022**

.....  
**Dated this the 31<sup>st</sup> day of August, 2022**

**JUDGMENT**

The petitioner has approached this Court being aggrieved by the proceedings initiated against the petitioner under the provisions of the SARFAESI Act, recover amounts due under a loan availed by the petitioner. The petitioner had filed the writ petition at the stage when the bank had taken proceedings to sell the property of the petitioner under the provisions of the SARFAESI Act. The sale was scheduled to be held on 29.08.2022.

2. When this matter is taken up for consideration today, it is the submission of the counsel appearing on both sides that no sale took place on 29.08.2022.

The learned counsel for the petitioner prays that the petitioner may be permitted to approach the bank with an offer for one time settlement. Leaving it open to the petitioner to

approach the bank for one time settlement, this writ petition is closed.

**Sd/-**  
**GOPINATH P.,**  
**JUDGE**

Dxy

**APPENDIX OF WP(C) 15579/2022**

PETITIONER EXHIBITS

Exhibit P1                      THE TRUE COPY OF THE POSSESSION NOTICE  
DATED 11.3.2022 RECEIVED BY THE  
PETITIONER.

Exhibit P2                      THE TRUE COPY OF THE SALE NOTICE DATED  
25.04.2022 SHOWING THE NAME AND ADDRESS  
OF THE PETITIONER AGAINST SERIAL NO. 7.