
(2022) 09 KL CK 0138
In the High Court Of Kerala
Case No : Writ Petition (C) No. 29296 Of 2022

Jayasree S S

APPELLANT

Vs

Authorised Officer Under Sarfaesi Act

RESPONDENT

Date of Decision : 26-09-2022

Acts Referred:

Citation : (2022) 09 KL CK 0138

Hon'ble Judges : Gopinath P., J

Bench : Single Bench

Advocate : S.Sachithananda Pai, B.S.Suresh Kumar

Final Decision : Disposed Of

Judgement

Gopinath P., J

1. The petitioner has approached this court being aggrieved by the fact that the properties of the petitioner were being brought to sale for recovery of the amounts due from the petitioner. It is pointed out that the properties brought to sale by fixing a very low reserve price and if the petitioner is permitted a sale through private treaty, the petitioner will be in a position to find a buyer and settle the liability in the respondent bank.

2. The learned counsel for the respondent bank states that the sale of the properties which was scheduled to be held on 16-09-2022 did not fructify for want of bidders. It is also pointed out that an earlier occasion also the respondent financial institution could not find any bidders for the property. The learned Standing counsel also points out that the husband of the petitioner who had availed the loan had approached this court on an earlier occasion through W.P (C) No.4144/2021 which was disposed of permitting the petitioner therein to clear the loan amount in installments and there was complete failure to comply with the terms of that judgment.

3. Having regard to the facts and circumstances mentioned above, this writ

petition will stand disposed of by permitting the petitioner to approach the respondent financial institution with a request for permitting the petitioner to dispose of the properties by private treaty. If such a request is made within a period of 10 days from today, the competent authority of respondent financial institution shall take a decision on the same and shall also communicate to the petitioner the conditions upon which such private sale can be permitted. To enable the petitioner to make an application for private sale as above, further proceedings against the petitioner shall stand deferred till a decision is taken by the respondent financial institution on the application to be filed by the petitioner as above. The writ petition is disposed of in the aforesaid manner.