



2025:KER:12091

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 13TH DAY OF FEBRUARY 2025 / 24TH MAGHA, 1946

WP(C) NO. 3130 OF 2025

PETITIONER:

GAFOOR A.,
AGED 46 YEARS,
S/O. MUHAMMED UNNI, RESIDING AT ALOOR HOUSE,
VELIYAMKODE AMSOM, VELIYAMKODE, PONNANI TALUK,
MALAPPURAM DISTRICT, PIN - 679579.

BY ADVS.
G.HARIHARAN
PRAVEEN.H.
K.S.SMITHA
V.R.SANJEEV KUMAR
B.R.SINDU
AFNA V.P.
REMYA MURALI

RESPONDENTS:

- 1 M/S. MALAPPURAM DISTRICT CO-OPERATIVE BANK,
PONNANI BRANCH, PONNANI P.O., MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN - 679579.
- 2 REGISTRAR OF CO OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO OPERATIVE SOCIETIES,
JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION, THYCAUD P.O.,
THIRUVANANTHAPURAM, PIN - 695014.
- 3 PATHUMMA,
W/O. MUHAMMEDUNNI, RESIDING AT ALOOR HOUSE, VELIYAMKODE
AMSOM, VELIYAMKODE, PONNANI TALUK, MALAPPURAM DISTRICT,
PIN - 679579.
BY ADV SRI.K.S.ARUNKUMAR (LEGAL AID COUNSEL)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT

The petitioner / his mother have conducted several litigations before this Court in the matter of proceedings initiated by the respondent Bank under the provisions of the SARFAESI Act to recover amounts due under a mortgage loan availed by the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner has now received Ext.P5 notice regarding the One Time Settlement Scheme namely "നവകേരളീയം കുടിശ്ശിക നിവാരണ പദ്ധതി - 2025". He submits that the scheme is in force till 28.02.2025 and if the petitioner is intimated of the amount to be paid in terms of that scheme, the petitioner will pay that amount on or before 28.02.2025.

3. The learned counsel appearing for the respondent Bank submits that the amount payable by the petitioner in terms of the "നവകേരളീയം കുടിശ്ശിക നിവാരണ പദ്ധതി - 2025" is Rs.24,05,000/-.

4. Having heard the learned counsel for the petitioner and the learned counsel for the respondent Bank and having regard to the submissions made, this writ petition will stand disposed of permitting the petitioner to pay the amount of Rs.24,05,000/-and



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close the loan account provided the said amount is paid on or before
28.02.2025.

Writ petition is ordered accordingly.

Sd/-
GOPINATH P.
JUDGE

DK



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APPENDIX OF WP(C) 3130/2025

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | A TRUE COPY OF THE SETTLEMENT DEED
NO.6671/2012 OF SRO, PONNANI EXECUTED ON
06.12.2012 |
| Exhibit P2 | A TRUE COPY OF THE POSSESSION NOTICE
DATED 06.02.2024 ISSUED BY THE ADVOCATE
COMMISSIONER APPOINTED BY THE CHIEF
JUDICIAL MAGISTRATE COURT, MANJERI IN
CRL.M.C.NO.3184/2016 |
| Exhibit P3 | A TRUE COPY OF THE JUDGMENT DATED
17.02.2022 ISSUED BY THIS HON'BLE COURT
IN WP(C) NO.5349/2022 |
| Exhibit P4 | A TRUE COPY OF THE JUDGMENT DATED
27.03.2024 ISSUED BY THIS HON'BLE COURT
IN WP(C) NO.5935/2024 |
| Exhibit P5 | A TRUE COPY OF THE NOTICE DATED
01.01.2025 ISSUED BY THE 1ST RESPONDENT
REQUIRING THE PETITIONER TO AVAIL THE
BENEFIT OF THE ONE-TIME SETTLEMENT |
| Exhibit P6 | A TRUE COPY OF THE NOTICE DATED
17.01.2025 ISSUED BY THE ADVOCATE
COMMISSIONER PROPOSING TO TAKE POSSESSION
OF THE SECURED ASSETS ON 27.01.2025 |
| Exhibit P7 | A TRUE COPY OF THE NAVA KERALAEEYAM
KUDISSIKA NIVARANAM ONE TIME SETTLEMENT
SCHEME DECLARED BY THE 2ND RESPONDENT ON
01.01.2025 |
| Exhibit P8 | A TRUE COPY OF THE ORDER DATED 02.01.2025
EXTENDING THE VALIDITY OF THE OTS FROM
02.01.2025 TO 28.02.2025 |