



2025:KER:12141

WP(C) NO. 3330 OF 2025

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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. 3330 OF 2025

PETITIONER/S:

**ABBAS B, AGED 59 YEARS
S/O AHAMMEDKUTTY, CHEMMANATTIL HOUSE, BADERI,
KALLAMPARA, FEROKE, KOZHIKODE, PIN - 673631**

BY ADV M.R.SASITH

RESPONDENT/S:

**THE AUTHORIZED OFFICER
CANARA BANK, NALLALAM BRANCH, M T TOWER,
JAYANTHI ROAD, KOZHIKODE, PIN - 673027**

SRI. M.GOPIKRISHNAN NAMBIAR

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

**JUDGMENT**

This is the second round of litigation at the instance of the petitioner in the matter of recovery proceedings initiated by the respondent bank to recover amounts due under a housing loan availed by the petitioner. The earlier writ petition filed by the petitioner along with two others [as W.P.(C) No.24427 of 2024] was disposed of on 19.07.2024, permitting the petitioner to clear the then overdue amount in some instalments. Considering the fact that this is the second writ petition at the instance of the petitioner and taking into consideration the submission of the learned counsel appearing for the petitioner that the entire overdue amount will be remitted immediately, this Court on 27.01.2025, passed the following order:-

“The learned counsel for the respondent bank to file a statement.

2. The learned counsel for the petitioners submits that the entire overdue amount will be remitted within a period of two weeks from today.

3. Taking the above submission into consideration, it is directed that the steps for taking physical possession of the secured asset shall be adjourned for a period of two weeks from today on condition that the petitioners pay the total overdue amount of Rs.5,42,000/-, as on 27-01-2025, within a period of two weeks from today, failing which the writ petition will be dismissed.”



2. When this matter is taken up for consideration today, it is the submission of the learned counsel appearing for the respondent bank that only a sum of Rs.2.5 lakhs has been remitted and the entire overdue amount has not been remitted as undertaken before this Court on 27.01.2025. However, it is submitted that if the petitioner were to remit the balance overdue amount together with any accrued interest and costs, within one month from today, the bank has no objection in regularizing the loan account. It is submitted that, the petitioner may also be called upon to pay the regular EMIs on the due dates without fail. It is submitted that, as on 10.02.2025, the overdue amount is Rs.2,51,000/- (Rupees Two lakhs and fifty one thousand only).

3. Having regard to the circumstances of the case and the submissions made as recorded above, I am of the view that the petitioner can be granted an opportunity to repay the entire overdue amount within one month and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan account regularised.

Accordingly, there will be a direction to the respondent bank to accept repayment of the entire overdue amount of Rs.2,51,000/- (Rupees Two lakhs and fifty one thousand only) along with bank charges from the petitioner and regularise the



loan account of the petitioner in the following manner:-

- (i) The overdue amount of Rs.2,51,000/- (Rupees Two lakhs and fifty one thousand only) along with any accrued interest and charges shall be repaid on or before 13.03.2025;
- (ii) Petitioner shall continue to pay the regular EMI's/instalments on the due dates, without fail;
- (iii) In the event of default in payment of the overdue amount as directed above, the respondent bank shall be entitled to proceed in accordance with the law;
- (iv) In order to enable the petitioner to repay the entire amounts, all coercive proceedings shall be kept in abeyance.

The writ petition is disposed of as above.

Sd/-

GOPINATH P.

JUDGE

ajt



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APPENDIX OF WP(C) 3330/2025

PETITIONER EXHIBITS

Exhibit- P1

**THE TRUE COPY OF THE NOTICE DATED 14.01.2025
ISSUED BY THE ADVOCATE COMMISSIONER.**

Exhibit- P2

**TRUE COPY OF JUDGEMENT IN WRIT PETITION NO
24427 /2024 PASSED BY THE HON'BLE HIGH COURT.**