



2025:KER:11231

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 11TH DAY OF FEBRUARY 2025 / 22ND MAGHA, 1946

WP(C) NO. 3347 OF 2025

MC NO.1367/2024 OF CHIEF JUDICIAL MAGISTRATE, MANJERI

PETITIONER:

BASHEER ERIKUNNAN,
AGED 60 YEARS,
S/O. MUHAMMED HAJI, ERIKUNNAN HOUSE, NELIKUTH P.O.,
MALAPPURAM DISTRICT, PIN - 676122.

BY ADV P.C.MUHAMMED NOUSHIQ

RESPONDENT:

MANJERI CO-OPERATIVE URBAN BANK LTD.,
COURT ROAD, MANJERI P.O., MALAPPURAM, REPRESENTED BY
ITS GENERAL MANAGER, PIN - 676121.

BY ADV K.VIDYASAGAR, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner has approached this Court challenging proceedings under the SARFAESI Act which have been initiated by the respondent Bank for recovery of the amounts due from the petitioner.

2. During the course of hearing, petitioner has confined the relief to an opportunity for repaying the overdue amount in instalments and to obtain regularisation of the loan account.

3. The learned counsel for the respondent Bank submits that the petitioner committed default in repayment of a mortgage loan and after giving credit to the amount paid in terms of the interim order dated 28.01.2025 of this Court, the present overdue amount as on today (11.02.2025) is Rs.9,64,806/- (Rupees nine lakhs sixty four thousand eight hundred and six only). It is submitted that if the petitioner pays a substantial amount before 31.03.2025, the petitioner can be permitted to regularize the loan account by paying the balance overdue amount in some instalments.

4. 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 total overdue amount on condition that Rs.1,00,000/- (Rupees one lakh only) shall be paid on or



before 28.02.2025 and another Rs.1,00,000/- (Rupees one lakh only) shall be paid on or before 29.03.2025 and the balance amount shall be paid in nine equal monthly instalments, the first of which shall be paid on or before 30.04.2025 and the subsequent instalments shall be paid on or before the last working day of every succeeding months and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan account regularised.

5. Accordingly, there will be a direction to the respondent Bank to accept repayment of the entire overdue amount of Rs.9,64,806/- (Rupees nine lakhs sixty four thousand eight hundred and six only) along with any accrued interest, costs and charges from the petitioner and regularise the loan account of the petitioner in the following manner:

- i. The petitioner shall pay a sum of Rs.1,00,000/- (Rupees one lakh only) on or before 28.02.2025 and another Rs.1,00,000/- (Rupees one lakh only) on or before 29.03.2025. The balance overdue amount along with any accrued interest, costs and charges shall be repaid in nine equal monthly instalments;
- ii. The first instalment shall be paid on or before 30.04.2025 and the subsequent instalments shall be paid on or before the last working day of every succeeding month;
- iii. Petitioner shall continue to pay the regular EMI's along with the instalments directed above;
- iv. In the event of default of any one instalment, the respondent Bank shall be entitled to proceed in accordance with the law;



2025:KER:11231

- v. 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

DK



APPENDIX OF WP(C) 3347/2025

PETITIONER EXHIBITS

**Exhibit P1 TRUE COPY OF THE NOTICE DATED 12.06.2023
ISSUED BY THE BANK TO THE PETITIONER**

**Exhibit P2 TRUE COPY OF THE ADVOCATE COMMISSIONER
NOTICE DATED 09.01.2025**