



2025:KER:11232

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. 3438 OF 2025

PETITIONER:

BABY JOSEPH,
AGED 73 YEARS,
S/O. VARKEY JOSEPH, RESIDING AT MADATHIKUNNIL HOUSE,
MUTTUCHIRA P.O., KOTTAYAM DISTRICT, PIN - 686613.

BY ADVS.
R.SURAJ KUMAR
N.G.SINDHU
SREELAKSHMI J PILLAI

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 2 KADUTHURUTHY URBAN CO-OPERATIVE BANK,
REPRESENTED BY ITS BRANCH MANAGER, KADUTHURUTHY P.O.,
KOTTAYAM DISTRICT, PIN - 686604.
- 3 THE AUTHORIZED OFFICER,
KADUTHURUTHI URBAN CO-OPERATIVE BANK, KADUTHURUTHI
P.O., KOTTAYAM DISTRICT, PIN - 695001.

BY ADV VARGHESE C.KURIAKOSE

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 business loan and after giving credit to the amount paid in terms of the interim order dated 03.02.2025 of this Court, the present overdue amount as on today (11.02.2025) is Rs.4,33,861/-(Rupees four lakhs thirty three thousand eight hundred and sixty one 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.2,00,000/- (Rupees two lakhs only)



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shall be paid on or before 29.03.2025 the balance amount shall be paid in six 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.4,33,861/- (Rupees four lakhs thirty three thousand eight hundred and sixty one 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.2,00,000/- (Rupees two lakhs only) on or before 29.03.2025. The balance overdue amount along with any accrued interest, costs and charges shall be repaid in six 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;
- 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) 3438/2025

PETITIONER EXHIBITS

Exhibit P-1

**TRUE COPY OF THE NOTICE DATED 20.01.2025
ISSUED BY THE ADVOCATE COMMISSIONER TO THE
PETITIONER**