



2025:KER:11236

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. 3696 OF 2025

PETITIONERS:

- 1 CHANDRAN,
AGED 59 YEARS,
S/O AYAPPAN , POTTIKANDATHIL HOUSE, ALIPARAMBA ,
PULAKKAD, NELLAYA POST, POMBILATA, PALAKKAD DISTRICT,
PIN - 679335.
- 2 BINDU,
AGED 36 YEARS,
W/O CHAMI, ELLIPPURAM HOUSE, AZHIYANNOOR,
KADAMPAZHIPPURAM POST, PALAKKAD DISTRICT, PIN - 678633.
- 3 ANIL KUMAR,
AGED 30 YEARS,
S/O CHANDRAN, POTTIKANDATHIL HOUSE, ALIPARAMBA ,
PULAKKAD, NELLAYA POST, POMBILATA, PALAKKAD DISTRICT,
PIN - 679335.

BY ADV K.RAVI (PARIYARATH)

RESPONDENTS:

- 1 THE URBAN CO-OPERATIVE BANK LTD, NO.1758,
PERINTHALMANNA , REPRESENTED BY THE AUTHORIZED OFFICER,
URBANK TOWER , PATTAMBI ROAD, SHANTHI NAGAR,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN - 679322.
- 2 THE AUTHORIZED OFFICER, THE URBAN CO-OPERATIVE BANK
LTD, NO.1758, PERINTHALMANNA
URBANK TOWER , PATTAMBI ROAD, SHANTHI NAGAR,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN - 679322.



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**3 THE BRANCH MANAGER, THE URBAN CO-OPERATIVE BANK
LTD, NO.1758, PERINTHALMANNA,
TOOTHA BRANCH, THOOTHA , MALAPPURAM DISTRICT,
PIN - 679357.**

**BY ADVS.
JAYASREE K.P., SC
JOHN JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 11.02.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

**JUDGMENT**

Petitioners have 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 petitioners.

2. The learned counsel for the petitioners would submit that the petitioners may be permitted to clear the liability in instalments.

3. It was submitted on behalf of the respondent bank that the petitioners committed default in repayment of a mortgage loan and the outstanding amount is Rs.7,98,856/-(Rupees seven lakhs ninety eight thousand eight hundred and fifty six only). It was further submitted that though proceedings for recovery have been initiated, as a matter of indulgence, the respondent bank is willing to accept repayment of the outstanding amount in limited instalments.

4. Having regard to the circumstances of the case and the submissions made as recorded above, I am of the view that the petitioners can be granted an opportunity to repay the outstanding amount on condition that Rs.2,00,000/- (Rupees two lakhs only) shall be paid on or before 10.03.2025 and the balance amount shall be paid in 10 equal monthly instalments, the first of which shall be



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paid on or before 10.04.2025 and the subsequent instalments shall be paid on or before the 10th day of every succeeding months.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the outstanding amount of Rs.7,98,856/-(Rupees seven lakhs ninety eight thousand eight hundred and fifty six only) along with accrued interest, costs and charges from the petitioners in the following manner:

- (i)The petitioners shall pay a sum of Rs.2,00,000/- (Rupees two lakhs only)on or before 10.03.2025. The balance outstanding amount along with any accrued interest, costs and charges shall be repaid in 10 equal monthly instalments;
- (ii)The first instalment shall be paid on or before 10.04.2025 and the subsequent instalments shall be paid on or before the 10th day of every succeeding months;
- (iii)In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with the law;
- (iv)If the petitioners clear the entire liability as above, further proceedings shall be dropped;
- (v) In order to enable the petitioners to repay the amounts as directed, all coercive proceedings shall be kept in abeyance.

The writ petition is disposed of as above.

Sd/-
GOPINATH P.
JUDGE



APPENDIX OF WP(C) 3696/2025

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE RELEVANT PAGES OF THE BANK PASS BOOK ISSUED TO THE PETITIONER AT THE INSTANCE OF THE 3RD RESPONDENT, DATED 31.03.15. |
| Exhibit P2 | TRUE COPY OF THE POSSESSION NOTICE ISSUED AT THE INSTANCE OF THE 2ND RESPONDENT TO THE PETITIONERS UNDER THE PROVISIONS OF THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT , 2002 DATED 21.12.21. |
| Exhibit P3 | TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER APPOINTED BY THE HON'BLE CHIEF JUDICIAL MAGISTRATE, COURT, MANJERI IN M.C. NO. 1184/2024, DATED 18.01.25. |