



2025:KER:30802

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 7087 OF 2025

PETITIONERS:

- 1 EVERGREEN CUSHION AND SETTY WORKS REP. BY ITS
 PROPRIETOR HILDA FEBY,
 NETTIKADAN KANJIRAPPALLY, ST. JUDE CHURCH, MUNIPARA,
 PARIYARAM, THRISSUR, PIN - 680721**

- 2 HILDA FEBY,
 AGED 31 YEARS
 D/O. VARGHESE T., PALAKKAL HOUSE, NR BLM PRESS, ALOOR,
 THRISSUR, PIN - 680683**

- 3 VARGHESE P.T.,
 AGED 60 YEARS
 PALAKKAL HOUSE, NR BLM PRESS, ALOOR, THRISSUR, PIN -
 680683**

**BY ADVS.
SHYNI DAS J.S.
K.T.SIDHIQ
APPU AJITH**

RESPONDENTS:

- 1 CANARA BANK, KODAKARA BRANCH,
 REP. BY BRANCH MANAGER, BUILDING NO.XV/BJ,
 PANTHALLOOKKARAN BLD., OPP. SANTHI HOSPITAL, KODAKARA,
 PIN - 680586**

- 2 AUTHORISED OFFICER,
 CANARA BANK, KODAKARA BRANCH, BUILDING NO.XV/BJ,
 PANTHALLOOKKARAN BLD., OPP. SANTHI HOSPITAL, KODAKARA,
 PIN - 680586**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.04.2025, 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 bank for recovery of the amounts due from the petitioners.

2. During the course of hearing, petitioners have confined the relief to an opportunity for repaying the outstanding amount in instalments.

3. It is submitted on behalf of the respondent bank that the petitioner committed default in repayment of the loan and the outstanding amount as on 27.03.2025 is Rs.22,21,346/-. It is 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 in 15 instalments.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire outstanding amount of Rs.22,21,346/- along with any accrued interest, costs and charges



from the petitioners in the following manner:

- (i)The outstanding amount of Rs.22,21,346/- along with any accrued interest, costs and charges shall be repaid in 15 equated 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 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)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**

Nsd



APPENDIX OF WP(C) 7087/2025

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | A TRUE COPY OF THE DEMAND NOTICE ISSUED BY
THE 1ST RESPONDENT UNDER SARFAESI ACT, 2002
DATED 24-12-24 |
| Exhibit P2 | A TRUE COPY OF THE DISCHARGE SUMMARY OF THE
AMALA CARDIAC CENTRE |