



2025:KER:16086

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 25TH DAY OF FEBRUARY 2025 / 6TH PHALGUNA, 1946

WP(C) NO. 7336 OF 2025

PETITIONER/S:

**RATHEESH VALIYAPARAMBIL RADHAKRISHNAN,
AGED 42 YEARS
VALIYAPARAMBIL HOUSE, MULAKKULAM SOUTH, MULAKKULAM,
KOTTAYAM, PERUVA, PIN - 686610**

**BY ADVS.
RUBY K. ROY
SEN C PUTHUPPARAMPIL**

RESPONDENT/S:

**THE BRANCH MANAGER, FEDERAL BANK LTD.,
PIRAVOM BRANCH, GM ARCADE, FEDERAL BANK JUNCTION,
PIRAVOM, KERALA, PIN - 686664**

BY ADV P.PAULCHAN ANTONY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



JUDGMENT

Petitioner availed a housing loan from the respondent bank. On default being committed, proceedings have been initiated against the petitioner under the provisions of the SARFAESI Act.

2. The learned counsel appearing for the respondent bank submits that the loan account cannot be regularized as the bank has already recalled the loan and has filed OA No.274/2024 before the Debts Recovery Tribunal-I, Ernakulam. It is submitted that the total outstanding amount as on 21.02.2025 is Rs.25,98,264/- (Rupees twenty five lakh ninety eight thousand two hundred and sixty four only) and the bank has no objection in some reasonable installments being granted to the petitioner to clear the entire liability. It is submitted that the account became Non-Performing Asset as early as on 2022 and despite the fact that the Advocate Commissioner issued notice to take physical possession in the month of September 2024, petitioner has not taken any earnest efforts to clear the liability to the respondent bank.

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 outstanding amount in installments on condition that Rs.3,00,000/- (Rupees three lakhs only) shall be paid on or before 31.03.2025 and the balance amount shall be paid in 10 (ten) equal monthly instalments, the first of



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which shall be paid on or before 30.04.2025 and the subsequent instalments shall be paid on the last working day of every succeeding months.

4. Accordingly, there will be a direction to the respondent bank to accept repayment of the outstanding amount of Rs.25,98,264/- (Rupees twenty five lakh ninety eight thousand two hundred and sixty four only) along with accrued interest, costs and charges from the petitioner in the following manner:

- (i)The petitioner shall pay a sum of Rs.3,00,000/- (Rupees three lakhs only) on or before 31.03.2024; 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 30.04.2025 and the subsequent instalments shall be paid on 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. If all the payments are made as directed above, OA No.274/2024 shall be withdrawn by the bank.

sd/-
GOPINATH P.
JUDGE



APPENDIX OF WP(C) 7336/2025

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | TRUE COPY OF THE MEDICAL DETAILS OF THE MOTHER OF THE PETITIONER |
| Exhibit P2 | THE TRUE COPY DISCHARGE SUMMARY OF THE WIFE OF THE PETITIONER DATED 04.01.2025 |
| Exhibit P3 | TRUE COPY OF THE POSSESSION NOTICE DATED 30.09.2023 |
| Exhibit P4 | THE TRUE COPY OF THE ADVOCATE COMMISSION NOTICE DATED 30.09.2023 |