



WP(C) NO. 7402 OF 2025

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2025:KER:16405

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. 7402 OF 2025

PETITIONER/S:

- 1 SENTHIL KUMAR,
AGED 40 YEARS
S/O. SELVARAJ, RESIDING AT NALLOOR, KOZHIPPARA
P.O., VADAKARAPPATHY VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT, PIN - 678557**
- 2 ANANTHI,
AGED 35 YEARS
W/O. SENTHIL KUMAR, RESIDING AT NALLOOR,
KOZHIPPARA P.O., VADAKARAPPATHY VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT, PIN - 678557**

**BY ADVS.
G.HARIHARAN
PRAVEEN.H.
K.S.SMITHA
B.R.SINDU
V.R.SANJEEV KUMAR
AFNA V.P.
REMYA MURALI**

RESPONDENT/S:

**M/S. AADHAR HOUSING FINANCE LIMITED,
NO.24950/34, SQUARE PARK, 1ST FLOOR,
KUNNATHURMEDU, PALAKKAD DISTRICT, REPRESENTED
BY ITS AUTHORIZED OFFICER & BRANCH MANAGER, PIN
- 678013**



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BY ADVS.
A.SURESH
RASSAL JANARDHANAN A.
THAREEQ ANVER K.
GOVIND G. NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 25.02.2025, 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 petitioner.

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

3. It is submitted on behalf of the respondent Bank that the petitioner committed default in repayment of housing loan and the overdue amount is Rs.2,04,799/-. 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 overdue amount in limited instalments and regularise the loan account.

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 overdue amount in 3 instalments 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



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respondent Bank to accept repayment of the entire overdue amount of Rs.2,04,799/- 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 overdue amount of Rs.2,04,799/- along with any accrued interest, costs and charges shall be repaid in 3 equated monthly instalments;
- ii. The first instalment shall be paid on or before 10.03.2025 and the subsequent instalments shall be paid on or before the 10th working day of every succeeding months;
- 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.

On payment of an amount of Rs.1,50,000/-, physical possession of the secured asset shall be restored to the petitioner.

The writ petition is disposed of as above.

sd/

GOPINATH P.

JUDGE

jm/



APPENDIX OF WP(C) 7402/2025

PETITIONER EXHIBITS

- | | |
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| Exhibit P1 | A TRUE COPY OF THE DOCUMENT
NO.1662/2016 OF SRO, KOZHINJAMPARA
EXECUTED ON 05.10.2016 IN THE NAME OF
THE 1ST PETITIONER |
| Exhibit P2 | A TRUE COPY OF THE LAWYER NOTICE DATED
07.12.2024 SENT ON BEHALF OF
RESPONDENT BANK DEMANDING A PAYMENT OF
RS. 9,11,845.39 |
| Exhibit P3 | A TRUE COPY OF THE STICKER AFFIXED ON
THE DOOR OF THE DWELLING HOUSE OF THE
PETITIONERS ON 19.02.2025 |
| Exhibit P4 | A TRUE COPY OF THE NOTICE DATED
19.02.2025 ISSUED BY THE RESPONDENT
U/S 13(12) OF THE SARFAESI ACT
RESTRAINING THE PETITIONERS FROM DOING
ANY TRANSFER OF PROPERTY MENTIONED IN
THE NOTICE, |