



2025:KER:15895

WP(C) NO. 7549 OF 2025

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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. 7549 OF 2025

PETITIONER/S:

**RINTU JITHESH, W/O JITHESH VB, AGED 31 YEARS
VAZHAPPILATH HOUSE, CHITTATTUKARA PO,
LAVALLY, THRISSUR DISTRICT, PIN - 680511**

**BY ADVS.
RAMAKRISHNAN M.N.
ARYA RAVEENDRAN**

RESPONDENT/S:

- 1 STATE BANK OF INDIA, PAVARATTY BRANCH,
ST. THOMAS MONASTERY, MAIN ROAD, PAVARATTY,
THRISSUR DISTRICT,
REPRESENTED BY THE MANAGER, PIN - 680507**
- 2 AUTHORIZED OFFICER, BEING THE CHIEF MANAGER
(MAINTENANCE), STATE BANK OF INDIA, RASMEC KUNNAMKULAM,
TELEPHONE EXCHANGE BUILDING, KANIYAMPAL ROAD,
KUNNAMKULAM, THRISSUR, PIN - 680503**

SRI. G G MANOJ (SC)

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

**JUDGMENT**

Petitioner is the guarantor in respect of a loan availed by her husband and purchased a vehicle. Petitioner has approached this Court, challenging proceedings initiated by the respondent Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 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. It was submitted on behalf of the respondent bank that the petitioner is the guarantor in respect of a vehicle loan availed by her husband from the respondent bank and committed default in repayment and the overdue amount, as on 25.02.2025, would come to Rs.2,43,640/- (Rupees Two lakhs forty three thousand six hundred and forty 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



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 six 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 respondent bank to accept repayment of the entire overdue amount of Rs.2,43,640/- (Rupees Two lakhs forty three thousand six hundred and forty only) along with bank charges from the petitioner and regularise the loan account of the petitioner in the following manner:-

- (i) The overdue amount of Rs.2,43,640/- (Rupees Two lakhs forty three thousand six hundred and forty only) along with any accrued interest and charges shall be repaid in six equated monthly instalments;
- (ii) The first instalment shall be paid on or before 15.03.2025 and the subsequent instalments shall be paid on or before the 15th day of each succeeding months;
- (iii) Petitioner shall continue to pay the regular EMI's/instalments 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

ajt



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APPENDIX OF WP(C) 7549/2025

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | A TRUE COPY OF THE REGISTRATION CERTIFICATE
OF THE JEEP COMPASS CAR BEARING REGISTRATION
NUMBER KL-46-U-9777 |
| Exhibit P2 | A TRUE COPY OF THE STATUTORY NOTICE DATED
14.11.2024, ISSUED BY THE AUTHORIZED OFFICER,
SBI KUNNAMKULAM |
| Exhibit P3 | A TRUE COPY OF THE 2ND NOTICE DATED
10.02.2025 SENT BY SBI VIA EMAIL |