



2025:KER:30975

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. 8760 OF 2025

PETITIONERS:

- 1 DEEPU P.,
AGED 35 YEARS
S/O. LATE PARAMESWARA KURUP, RESIDING AT PUTHENPURACKAL
DEEPU NIVAS, KEEZHCHERIMEL, CHENGANNUR, ALAPPUZHA
DISTRICT, PIN - 689121
- 2 DEEPA,
AGED 38 YEARS
D/O. LATE PARAMESWARA KURUP, RESIDING AT PUTHENPURACKAL
DEEPU NIVAS, KEEZHCHERIMEL, CHENGANNUR, ALAPPUZHA
DISTRICT, PIN - 689121

BY ADVS.
K.N.RADHAKRISHNAN(THIRUVALLA)
ANJU SUSAN REJI

RESPONDENTS:

- 1 BANK OF BARODA,
CHENGANNUR BRANCH, MC ROAD, CHENGANNUR, ALAPPUZHA
DISTRICT REPRESENTED BY MANAGER, PIN - 689121
- 2 THE AUTHORIZED OFFICER,
BANK OF BARODA, CHENGANNUR BRANCH, MC ROAD, CHENGANNUR,
ALAPPUZHA DISTRICT, PIN - 689121

SRI.K.M.ANEESH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The 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. 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 petitioners committed default in repayment of a loan and the total overdue amount as on 07.04.2025 is Rs.2,53,247/-. 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 petitioners can be granted an opportunity to repay the total in ten equal monthly instalments. The first installment 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 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.2,53,247/- along with any accrued interest, costs and charges from the petitioners and regularise the loan account of the petitioners in the following manner:

- i. The petitioners shall pay the overdue amount along with any accrued interest, costs and charges in ten equal 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. The petitioners 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 petitioners to repay the entire



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amounts, all coercive proceedings shall be kept in
abeyance.

The writ petition is disposed of as above.

sd/ -

GOPINATH P.

JUDGE

Nsd



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APPENDIX OF WP(C) 8760/2025

petitioners EXHIBITS

Exhibit P1

**THE TRUE COPY OF ADVOCATE NOTICE SERVED BY
THE RESPONDENT BANK TO THE petitionersS DATED
18.02.2025**