



2025:KER:30168

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. 9085 OF 2025

PETITIONER/S:

- 1 NUSAYYA AC
AGED 45 YEARS
W/O LATE MUHAMMED KUNJ C H, THAIVALAPPIL HOUSE,
THAQWA NAGAR KAITHAKKAD, KASARGOD DISTRICT, PIN -
671313
- 2 EJAS AC
AGED 28 YEARS
S/O NUSAYYA AC, THAIVALAPPIL HOUSE, THAQWA NAGAR,
KAITHAKKAD, KASARGOD DISTRICT, PIN - 671313
- 3 FATHIMA AC
AGED 20 YEARS
D/O NUSAYYA AC, THAIVALAPPIL HOUSE, THAQWA NAGAR,
KAITHAKKAD, KASARGOD DISTRICT, PIN - 671313
- 4 INZAMAM UL HAQU, (MINOR)
AGED 17 YEARS
S/O NUSAYYA AC, THAIVALAPPIL HOUSE, THAQWA NAGAR,
KAITHAKKAD, KASARGOD, REPRESENTED BY HIS MOTHER
AND 1ST PETITIONER NUSAYYA AC, PIN - 671313
- 5 BILAL ABDUL RAHMAN (MINOR)
AGED 14 YEARS
S/O NUSAYYA AC, THAIVALAPPIL HOUSE, THAQWA NAGAR,
KAITHAKKAD, KASARGOD, REPRESENTED BY HIS MOTHER
AND 1ST PETITIONER NUSAYYA AC, PIN - 671313



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- 6 NASWA AC (MINOR)
AGED 10 YEARS
D/O NUSAYYA AC, THAIVALAPPIL HOUSE, THAQWA NAGAR,
KAITHAKKAD, KASARGOD- REPRESENTED BY HER MOTHER
AND 1ST PETITIONER NUSAYYA AC, PIN - 671313
- 7 MARWA AC (MINOR)
AGED 8 YEARS
D/O NUSAYYA AC, THAIVALAPPIL HOUSE, THAQWA
NAGAR,KAITHAKKAD, KASARGOD, REPRESENTED BY HER
MOTHER AND 1ST PETITIONER NUSAYYA AC, PIN - 671313

BY ADV T.H.RAIHANATH

RESPONDENT/S:

THE NILESHWAR COOPERATIVE URBAN BANK LTD
NILESHWAR MAIN BRANCH, NILESHWAR MARKET,
CHERUAVTHUR, TRIKARIPUR, KASARAGOD DISTRICT
,REPRESENTED BY ITS AUTHORISED OFFICER, PIN -
671314

BY ADV LIJIN THAMBAN

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



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JUDGMENT

The petitioners are the legal heirs of late Mohammed Kunju who had availed credit facilities from the respondent bank. On the death of late Mohammed Kunju, the proceedings have been initiated against the petitioners for recovery of the amounts due under the credit facilities availed by late Mohammed Kunju. This Court on 06.03.2025, passed the following order;

“Admit.

2. Issue urgent notice by speed post to the respondent.

3. There will be an interim order staying further proceedings pursuant to Ext.P4 for a period of one month on condition that the petitioners shall remit an amount of ₹3 lakhs on or before 31.03.2025.

Post on 03.04.2025.”

2. The learned counsel for the respondent bank submitted that out of the amount of Rs.3,00,000/- directed to be remitted by this Court, the petitioners have remitted a sum of Rs.2,00,000/-. It is submitted that the petitioners have also sought for extension of time to remit the balance amount of Rs.1,00,000/-.



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3. The learned counsel appearing for the respondent bank submits after giving credit to the amount of Rs.2,00,000/- paid by the petitioners, the total outstanding amount as on 03.04.2025 is Rs.44,77,067/-. It is submitted that the petitioners can be given some reasonable instalments to clear the outstanding liabilities.

4. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire amount of Rs.44,77,067/- along with interest, bank charges and costs from the petitioners in the following manner:

- (i) The petitioners shall pay the outstanding amount of Rs.44,77,067/- together with any accrued interest, bank charges and costs 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 last working day of each succeeding month;
- (iii) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with the law;



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(iv) In order to enable the petitioners to repay the entire amounts, all coercive proceedings shall be kept in abeyance.

Considering the fact that considerably liberal instalments have been granted to the petitioners, it is made clear that no further extension of time will be considered under any circumstances.

The writ petition is disposed of as above.

**Sd/-
GOPINATH P.
JUDGE**

Scl/



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APPENDIX OF WP(C) 9085/2025

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | THE TRUE COPY OF LOAN CERTIFICATE DATED
24.03.2022 ISSUED BY THE RESPONDENT IN
THE NAME OF 1ST PETITIONER'S HUSBAND
MUHAMMED ABDUL RAHMAN @ MUHAMMED KUNJ CH |
| Exhibit P2 | THE TRUE COPY OF DEATH CERTIFICATE
ISSUED BY CHERUVATHUR GRAMA PANCHAYATH
DATED 05.03.2025 |
| Exhibit P3 | THE TRUE COPY OF NOTICE DATED 19.10.2024
ISSUED BY THE RESPONDENT |
| Exhibit P4 | THE TRUE COPY OF NOTICE DATED NIL ISSUED
BY ADV ANJALI CM, ADVOCATE COMMISSIONER
APPOINTED BY CHIEF JUDICIAL MAGISTRATE
COURT IN CMP NO 492/2025 |