



2025:KER:30439

W.P (C) No.9613/2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP(C) NO. 9613 OF 2025

PETITIONER/S:

- 1 M.R SOMASHEKHARAN NAIR,
AGED 65 YEARS, S/O RAMAKRISHNAN NAIR, KANIYARETHU HOUSE,
NEERVILAKOM MURI & P.O, KIDANGANNUR VILLAGE, KOZHENCHERRY
TALUK, PATHANAMTHITTA DISTRICT, PIN - 689122
- 2 GEETHA S. NAIR,
AGED 57 YEARS, W/O M.R SOMASHEKHARAN NAIR, KANIYARETHU
HOUSE, NEERVILAKOM MURI & P.O, KIDANGANNUR VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT, PIN - 689122

BY ADVS.
MANU RAMACHANDRAN
M.KIRANLAL
R.RAJESH (VARKALA)
T.S.SARATH
SAMEER M NAIR
SAILAKSHMI MENON
AASHI K. SHAJAN
MINZA FATHIMA SALIM M.
BINITHA MARIA THOMAS
KEZIL THOTTUKADAVIL CHERIAN

RESPONDENT/S:

- 1 THE KERALA STATE CO-OPERATIVE BANK (KERALA BANK) ,
KOTTA BRANCH, KOTTA P.O, PATHANAMTHITTA DISTRICT,
REPRESENTED BY ITS MANAGER, PIN - 689514
- 2 THE AUTHORIZED OFFICER,
THE KERALA STATE CO-OPERATIVE BANK (KERALA BANK) , KOTTA
BRANCH, KOTTA P.O, PATHANAMTHITTA DISTRICT, PIN - 689514

BY ADV K.AMMINIKUTTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J U D G M E N T**

Petitioners have availed credit facilities from the respondent bank. On default being committed, proceedings have been initiated against the petitioners under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act) to recover the amounts due from the petitioners. The petitioners are therefore before this court seeking the following reliefs.

“To issue a writ of mandamus, or any appropriate writ or direction directing the respondent 1 & 2 to grant easy monthly installments facility to repay the arrears and regularize the loan account vide No.4024/50/136/000232 of the 1st respondent Bank, in the manner fixed by this Hon'ble Court:”

2. When this matter is taken up for consideration today, it is the submission of the learned counsel for the petitioners that the petitioner may be permitted to approach the bank with an application for one time settlement.

3. The learned counsel for the respondent bank submits that the petitioners were informed that they could apply for one time settlement under the scheme namely 'Navakeralayum Kudishikanivaranam-2025' which expired on 31-03-2025. It is submitted that the petitioners failed to approach the bank with any application for settlement under the scheme. It is



submitted that the case of the petitioner cannot be considered under the provisions of the scheme namely '*Navakeralleeyum Kudishikanivaranam-2025*'. However, it is submitted that if the petitioner makes an application for one time settlement, the same can be considered in accordance with the policy of the respondent bank.

Having heard the learned counsel for the petitioner and the learned counsel for the respondent bank, I am of the view that this writ petition can be disposed of directing that if the petitioners were to submit any application for one time settlement within a period of one week from today (08-04-2025), the same shall be considered in accordance with the applicable policy. Till a decision is taken on the application, further proceedings under the SARFAESI Act shall remain suspended. The competent authority shall take a decision in the matter within two weeks from the date on which the application is submitted by the petitioner.

Sd/-
GOPINATH P.
JUDGE



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APPENDIX OF WP(C) 9613/2025

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE O.P NO.1057/2018 ON THE FILES OF FAMILY COURT, PATHANAMTHITTA FILED BY PETITIONERS' ELDER DAUGHTER FOR RETURN OF MONEY, GOLD AND COMPENSATION
- Exhibit P2 THE TRUE COPY OF THE O.P(HMA) NO.286/2020 ON THE FILES OF FAMILY COURT, PATHANAMTHITTA FILED FOR DIVORCE AGAINST PETITIONERS' ELDER DAUGHTER
- Exhibit P3 THE TRUE COPY OF THE PLAINT IN O.S NO.343/2024 BEFORE THE MUNSIFF COURT, PATHANAMTHITTA
- Exhibit P4 THE TRUE COPY OF THE NOTICE DATED 22.02.2025 ISSUED BY ADVOCATE COMMISSIONER TO THE PETITIONERS
- Exhibit P5 THE TRUE COPY OF THE MARRIAGE INVITATION CARD OF PETITIONERS' YOUNGER DAUGHTER