



2025:KER:30155

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. 9962 OF 2025

PETITIONER/S:

- 1 SMT. HAFSATH,
AGED 63 YEARS
W/O. LATE SHRI. UMMAR HAJI, CHOLAMUGHATH HOUSE,
THAZHEKODE P.O., MALAPPURAM DISTRICT, PIN - 679341
- 2 SHRI. SHAHANAS BABU,
AGED 46 YEARS
S/O. LATE SHRI. UMMAR HAJI, CHOLAMUGHATH HOUSE,
THAZHEKODE P.O., MALAPPURAM DISTRICT, PIN - 679341
- 3 SHRI. SHANAVAS,
AGED 43 YEARS
S/O. LATE SHRI. UMMAR HAJI, CHOLAMUGHATH HOUSE,
THAZHEKODE P.O., MALAPPURAM DISTRICT, PIN - 679341
- 4 SMT. FATHIMATH SAFEENA,
AGED 40 YEARS
D/O. LATE SHRI. UMMAR HAJI, CHOLAMUGHATH HOUSE,
THAZHEKODE P.O., MALAPPURAM DISTRICT, PIN - 679341
- 5 SHRI. MOHAMMED SHAFEER C.M.,
AGED 39 YEARS
S/O. LATE SHRI. UMMAR HAJI, CHOLAMUGHATH HOUSE,
THAZHEKODE P.O., MALAPPURAM DISTRICT, PIN - 679341

BY ADV RAJ CAROLIN V.

RESPONDENT/S:



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- 1 THE URBAN CO-OPERATIVE BANK LTD.,
REPRESENTED BY THE AUTHORIZED OFFICER, URBANK
TOWER, PATTAMBI ROAD, SANTHI NAGAR,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN - 679322
- 2 THE AUTHORIZED OFFICER,
THE URBAN CO-OPERATIVE BANK LTD., PERINTHALMANNA,
URBANK TOWER, PATTAMBI ROAD, SANTHI NAGAR,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN - 679322

BY ADVS.
JAYASREE K.P.
JOHN JOSEPH (K/000875/2019)

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 legal heirs of late Ummar Haji who availed credit facilities from the respondent bank which includes a cash credit facility and mortgage loan. The proceedings which are the subject matter of the present writ petition, are in relation to the liabilities under the cash credit facility.

2. The learned counsel appearing for the petitioners would submit that the petitioners are willing to settle the liability in some instalments.

3. It is submitted that since possession of the secured assets being the residential house of the petitioners has already been taken. The petitioners will remit an amount of Rs.20 lakhs by 5.00 p.m on 08.04.2025 and a further sum of Rs.10 lakhs on or before 22.04.2025, which is the date fixed for sale of the property. It is submitted that on such amounts being remitted, the possession of the secured assets may be restored to the petitioners and the balance liability will be cleared in six monthly installments.

4. The learned counsel appearing for the respondent bank submits that some further amount may be directed to be remitted by



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the petitioners as a condition for restoring the physical possession. It is submitted that if the petitioners pay the substantial amount before 22.04.2025, the sale proposed to be held on 22.04.2025, can be adjourned.

5. Having heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent bank, this writ petition will stand disposed of in the following manner;

(i) The petitioners shall pay a sum of Rs.20,00,000/- towards the loan liability by 5.00 p.m. on 08.04.2025.

(ii) The petitioners shall pay a further sum of Rs.15,00,000/- towards the loan liability before 5.00 p.m on 21.04.2025.

(iii) If the petitioners comply with both the above conditions, the sale of the property of the petitioners scheduled to be held on 22.04.2025 shall be adjourned and the possession of the secured assets shall be restored to the petitioners.

(iv) The petitioners shall pay the balance overdue amount together with any accrued interest, charges and costs in six equal monthly installments, commencing from 30.05.2025. The subsequent



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instalments shall be paid on or before last working day of each succeeding month;

(v) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with the law;

(vi) The petitioners shall also handover the possession of the secured asset if any further default is committed by them after securing possession of the secured asset as directed in this judgment. It is also made clear that the directions in two judgment are only in relation to the cash credit facility availed from the respondent bank and this judgment will have no application in the matter of the mortgage loan availed by the petitioners, which is the subject matter of the proceedings before the Debts Recovery Tribunal.

The writ petition is disposed of as above.

**Sd/-
GOPINATH P.
JUDGE**

Scl/



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APPENDIX OF WP(C) 9962/2025

PETITIONER EXHIBITS

- Exhibit P1** TRUE COPY OF THE DEATH CERTIFICATE
ISSUED BY THE THAZHEKKODE GRAMA
PANCHAYAT BEARING KEY NO. D0020940-
2202231 DATED 24/02/2022
- Exhibit P2** TRUE COPY OF THE RTGS INSTRUMENT OF
INDUSIND BANK, PERINTHALMANNA BRANCH
DATED 12/01/2023 BEARING NO. 836911 FOR
AN AMOUNT OF ₹5,24,250/- IN SLMT LOAN
ACCOUNT NO. 2137 ISSUED IN FAVOR OF THE
1ST RESPONDENT
- Exhibit P2(a)** TRUE COPY OF THE RTGS INSTRUMENT OF
INDUSIND BANK, PERINTHALMANNA BRANCH
DATED 12/01/2023 BEARING NO. 836912 FOR
AN AMOUNT OF ₹5,24,250/- IN SLMT LOAN
ACCOUNT NO. 2138 ISSUED IN FAVOR OF THE
1ST RESPONDENT
- Exhibit P3** TRUE COPY OF THE REQUEST FOR OTS DATED
27/02/2023 ISSUED TO THE MANAGER OF THE
1ST RESPONDENT
- Exhibit P4** TRUE COPY OF THE REPLY ISSUED BY THE
CHIEF EXECUTIVE OFFICER (CEO) OF THE
RESPONDENT BANK BEARING NO.
UCBP/OVERDUE/01/2022-23 DATED 01/03/2023
- Exhibit P5** TRUE COPY OF THE POSSESSION NOTICE
ISSUED BY THE 2ND RESPONDENT DATED
16/08/2024 AGAINST CASH CREDIT LOAN
ACCOUNT NO. CC 3971
- Exhibit P5(a)** TRUE COPY OF THE POSSESSION NOTICE
ISSUED BY THE 2ND RESPONDENT DATED
16/08/2024 AGAINST LOAN ACCOUNT NO. ML
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Exhibit P6

**TRUE COPY OF THE ORDER OF THE HON'BLE
CHIEF JUDICIAL MAGISTRATE COURT, MANJERI
IN M.C. NO. 179/2025 DATED 07/02/2025**

Exhibit P7

**TRUE COPY OF THE INSPECTION NOTICE
ISSUED BY THE ADVOCATE COMMISSIONER
DATED 12/02/2025**

Exhibit P8

**TRUE COPY OF THE REPRESENTATION
SUBMITTED BEFORE THE 2ND RESPONDENT
DATED 07/03/2025**