



2025:KER:30570

W.P (C) No.11245/2025

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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. 11245 OF 2025

PETITIONER/S:

1 M/S. ROYAL FOOD AND BAKERS,
AGED 67 YEARS
PROPRIETOR MRS. ANITHA RAJAN, W/O. R. RAJAN GOPI,
THOPPIL VEEDU, PRAYAR NORTH P.O., PUTHUPALLY,
KARTHIKAPALLY, ALAPPUZHA, PIN - 690547

2 RAJAN GOPI,
AGED 67 YEARS
THOPPIL VEEDU, PRAYAR NORTH P.O., PUTHUPALLY,
KARTHIKAPALLY, ALAPPUZHA, PIN - 690547

BY ADVS.
C.R.SURESH KUMAR
AMRUTHA SURESH
VINEETH V.T.

RESPONDENT/S:

1 CENTRAL BANK OF INDIA,
REPRESENTED THROUGH ITS BRANCH MANAGER,
KAYAMKULAM, ALAPPUZHA DISTRICT, PIN - 690572

2 CHIEF MANAGER,
CENTRAL BANK OF INDIA, KAYAMKULAM,
ALAPPUZHA DISTRICT, PIN - 690572

SRI. K.M.ANEESH, SC

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**

The 1st petitioner availed a Business loan from the respondent bank. The 2nd petitioner is the guarantor in respect of the said loan. 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 prompting the petitioner to approach this court by filing the above writ petition.

2. The learned counsel appearing for the petitioners would submit that the petitioners may be permitted to clear the entire liability in installments.

3. The learned counsel appearing for the respondent bank submits that the outstanding amount due from the petitioners as on 28-03-2025 is Rs.42,11,758/-. It is submitted that some reasonable installments can be given to the petitioners to clear the entire liability.

4. Having heard the learned counsel for the petitioners and the learned Standing counsel appearing for the respondent bank and having regard to the facts and circumstances of the case and considering the submissions made as recorded above, I am of the view that the petitioners can be granted an opportunity to repay the outstanding amount in installments.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire amount of Rs.42,11,758/- along with interest,



bank charges and costs from the petitioners in the following manner:

- (i) The outstanding amount of Rs.42,11,758/- together with any accrued interest, bank charges and costs shall be repaid in fifteen (15) equated monthly instalments;
- (ii) The first instalment shall be paid on or before 30-04-2025 and 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;
- (iv) In order to enable the petitioners 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

AMG



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APPENDIX OF WP(C) 11245/2025

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE LOAN SANCTION LETTER
ISSUED BY THE 1ST RESPONDENT ON 06/12/2019.
- Exhibit P2 A TRUE COPY OF THE COUNTERFOIL OF PAY-IN SLIP
FOR AN AMOUNT OF RS.1,50,000/- DATED
03/12/2022.
- Exhibit P3 A TRUE COPY OF THE COUNTERFOIL OF PAY-IN SLIP
FOR AN AMOUNT OF RS.30,000/- DATED
27/01/2023.
- Exhibit P4 A TRUE COPY OF THE DEMAND NOTICE ISSUED BY
THE 2ND RESPONDENT DATED 30/08/2022
- Exhibit P5 A TRUE COPY OF THE TREATMENT CERTIFICATE OF
2ND PETITIONER ISSUED BY THE GOVERNMENT T.D
MEDICAL COLLEGE HOSPITAL ALAPPUZHA DATED
13/03/2023.
- Exhibit P6 A TRUE COPY OF THE LETTER DATED 17/05/2023
ISSUED BY THE MANAGER, DISTRICT LEAD BANK
(STATE BANK OF INDIA, ALAPPUZHA) ADDRESSED TO
THE 2ND PETITIONER.
- Exhibit P7 A TRUE COPY OF THE NOTICE ISSUED BY THE
ADVOCATE COMMISSIONER MS.SANDRA STANLY IN MC
NO: 89/2025, ON THE FILES OF HON'BLE CHIEF
JUDICIAL MAGISTRATE COURT, ALAPPUZHA