



2025:KER:31294

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. 13769 OF 2025

PETITIONER:

BALRAJ SASIDHARAN PILLAI,
AGED 40 YEARS, S/O. RADHAMANIYAMMA,
21/2117, THIRUVATHIRA, PERUMPADAPPU, PALLURUTHY,
KOCHI, ERNAKULAM, PIN - 682 006.

BY ADVS.

K.M.ANEESH
K.SANTHOSH KUMAR (KALIYANAM)
DILEEP CHANDRAN
SHASHANK DEVAN

RESPONDENT:

YES BANK,
YES BANK HOUSE, OFF WESTERN EXPRESS HIGHWAY,
SANTACRUZ EAST, MUMBAI,
REPRESENTED BY ITS AUTHORISED OFFICER,
PIN - 400 055.

BY ADVS.

P.PAULCHAN ANTONY (SC)
SREEJITH K.(K/380/2005)

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



JUDGMENT

The petitioner has approached this Court challenging the proceedings initiated against the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) to recover amounts due under credit facilities availed by the petitioner from the respondent bank.

2. The relief sought for in the writ petition are as follows:

- i. "Issue a writ of mandamus or other appropriate Writ, direction or order directing the respondent to permit the petitioner to remit outstanding amount in the credit facilities in twenty equated monthly installments.*
- ii. Issue a writ of mandamus or other appropriate Writ, direction or order directing the respondents not to proceed further pursuant to Exhibit.Pl notice dated 21/12/2024 issued by the Advocate Commissioner."*



3. The learned counsel appearing for the respondent bank submits that the petitioner had already approached the Debts Recovery Tribunal-I, Ernakulam, by filing S.A.No.506/2023, and by Ext.P3 order in I.A.No.371/2025 in S.A.No.506/2023, the petitioner was granted a stay of further proceedings on condition that the petitioner remits a sum of Rs.7,47,700/- on or before 01-03-2025 and a further sum of Rs.7,47,700/- on or before 31-03-2025. It is submitted that the respondent bank is not agreeable for granting any instalment facility. However, it is submitted that the bank has no objection in some further time being granted to the petitioner to comply with the condition imposed in Ext.P3 interim order of the Debts Recovery Tribunal-I, Ernakulam.

4. The learned counsel appearing for the petitioner submits that the petitioner may be granted some reasonable time to pay the amounts as directed in Ext.P3 order of the Debts Recovery Tribunal-I, Ernakulam.



5. Having heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent bank and having regard to the facts and circumstances noticed above, this writ petition will stand disposed of, directing that the petitioner shall be granted time till 30-04-2025 to pay the first instalment of Rs.7,47,700/-, and time till 31-05-2025 to pay the second instalment of Rs.7,47,700/- as directed by the Debts Recovery Tribunal-I, Ernakulam, in Ext.P3 order. If the petitioner pays the amount as directed above, the same shall be treated as sufficient compliance with Ext.P3 order of the Debts Recovery Tribunal-I, Ernakulam.

Writ petition is disposed of as above.

Sd/-
GOPINATH P.
JUDGE

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APPENDIX OF WP(C) 13769/2025

PETITIONER'S EXHIBITS

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| Exhibit P1 | THE TRUE COPY OF THE NOTICE DATED
21/12/2024 ISSUED BY THE ADVOCATE
COMMISSIONER |
| Exhibit P2 | THE TRUE COPY OF THE JUDGMENT DATED
16/01/2025 IN O.P (DRT) NO.21/2025 OF
THIS HON'BLE COURT |
| Exhibit P3 | THE TRUE COPY OF THE ORDER DATED
31/01/2025 IN I.A NO.371/2025 IN S.A
NO.506/2023 OF DRT-1 ERNAKULAM |