



2025:KER:29902

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 13795 OF 2025

PETITIONER:

RAMESH KUMAR
AGED 50 YEARS, S/O. RAVUNNI PANICKER,
KALARIKKAL(H), KAYILYAD P.O, SHORNUR,
THRISSUR, PIN - 679 122.

BY ADVS.
L.RAJESH NARAYAN
KEERTHANA SARIGA T.S.

RESPONDENTS:

- 1 THE KERALA STATE CO-OPERATIVE BANK
REGIONAL OFFICE, PALAKKAD P.B NO.21,
H.P.O ROAD, SULTHANPET PALAKKAD
REPRESENTED BY ITS, GENERAL MANAGER,
PIN - 678 001.
- 2 AUTHORISED OFFICER
THE KERALA STATE CO-OPERATIVE BANK,
REGIONAL OFFICE, PALAKKAD, P.B NO.21,
H.P.O ROAD, SULTHANPET, PALAKKAD,
PIN - 678 001.
- 3 BRANCH MANAGER
THE KERALA STATE COOPERATIVE BANK LTD,
CHERPULASSERY BRANCH, PALAKKAD, PIN - 679 503.
- 4 DEPUTY TAHSILDAR (RR)
OTTAPALAM TALUK OTTAPALAM TALUK OFFICE,
PALAKKAD, PIN - 679 101.

SRI. K.S.ARUN KUMAR
SMT. RESMI THOMAS - GP

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



JUDGMENT

The petitioner had availed a loan from the 1st respondent Bank. The petitioner defaulted payment of installments and the Bank initiated SARFAESI proceedings. The petitioner preferred S.A No.246 of 2021 before the Debts Recovery Tribunal - 1, Ernakulam.

2. During the pendency of the proceedings before the Debts Recovery Tribunal, the Bank initiated revenue recovery proceedings. Ext.P3 is the demand notice issued under Section 7 of the Kerala Revenue Recovery Act, 1968 (for short, 'the Act'). Ext.P4 is the notice prior to the attachment issued under Section 34 of the Act. The petitioner has filed this writ petition for a



2025:KER:29902

WP(C) NO.13795 OF 2025

3

direction to the respondents to defer further proceedings pursuant to Exts.P3 and P4 till orders are passed in S.A No.246 of 2021.

3. When the writ petition came up for consideration, Sri.K.S.Arunkumar, the learned Standing Counsel for the Bank, on instructions, submitted that, as on today (07.04.2025), an amount of Rs.5,53,664/- is overdue in the loan account of the petitioner and the petitioner can be permitted to pay the said amount in reasonable installments.

4. Sri.L.Rajesh Narayan, the learned counsel for the petitioner submits that the petitioner may be permitted to pay an amount of Rs.2 Lakhs towards the overdue on or before 07.05.2025 and the balance amount, in equal



2025:KER:29902

WP(C) NO.13795 OF 2025

4

monthly installments. It is also submitted that in view of the willingness expressed by the Bank to provide installments to pay the overdue amount, the petitioner will withdraw the securitisation application filed before the Debts Recovery Tribunal on the date of next posting.

5. There will be a direction to the petitioner to pay an amount of Rs.2 Lakhs towards the overdue amount on or before 07.05.2025. The balance amount shall be paid in ten equal monthly installments commencing from 07.06.2025 along with accrued interest and applicable charges. The installments as above shall be payable in addition to the regular EMIs. If the petitioner defaults payment of any of the amount/installments, it will be open to the Bank



2025:KER:29902

WP(C) NO.13795 OF 2025

5

to proceed against him for recovery of the amount, in accordance with law. To enable the petitioner to repay the amounts as above, all coercive proceedings against him pursuant to Exts.P3 and P4 shall stand deferred.

The writ petition is disposed of.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SPR



2025:KER:29902

WP(C) NO.13795 OF 2025

6

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE MEMORANDUM OF SECURITISATION APPLICATION AS S.A NO.246/2021 FILED BEFORE THE HON'BLE DEBTS RECOVERY TRIBUNAL-1, ERNAKULAM WITHOUT EXHIBITS.
- EXHIBIT P2 TRUE COPY OF I.A NO. 1451/2021 IN S.A NO.246/2021 FILED BEFORE THE HON'BLE DEBTS RECOVERY TRIBUNAL-1, ERNAKULAM.
- EXHIBIT P3 TRUE COPY OF THE NOTICE DATED 21.12.2024 ISSUED UNDER S.7 OF THE REVENUE RECOVERY ACT.
- EXHIBIT P4 TRUE COPY OF THE NOTICE DATED 21.12.2024 ISSUED UNDER S.34 OF THE REVENUE RECOVERY ACT.

RESPONDENTS EXHIBITS:- NIL.