



2025:KER:30428

W.P.(C)No.13925 OF 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. 13925 OF 2025

PETITIONER/S:

HARI V.D.,
AGED 52 YEARS
S/O. DIVAKARAN, VATHAKKATTEL HOUSE, MULAKULAM NORTH
P.O., PIRAVOM, MUVATTUPUZHA, ERNAKULAM, PIN - 686664

BY ADV M.R.SASITH

RESPONDENT/S:

- 1 THE AUTHORIZED OFFICER,
KERALA STATE CO-OPERATIVE BANK LTD., PERUMBAVOOR MAIN
BRANCH, BUILDING NO.XXI/797, YATHRI NIVAS SHOPPING
COMPLEX , AM ROAD, PERUMBAVOOR, ERNAKULAM, PIN -
683542
- 2 KERALA STATE CO-OPERATIVE BANK LTD.,
PERUMBAVOOR MAIN BRANCH, BUILDING NO.XXI/797, YATHRI
NIVAS SHOPPING COMPLEX, AM ROAD, PERUMBAVOOR,
REPRESENTED BY ITS AUTHORIZED OFFICER, ERNAKULAM, PIN
- 683542

OTHER PRESENT:

SMT. K.AMMINIKUTTY, SC

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 proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for recovery of the amounts due upon a loan availed by the petitioner.

2. During the course of hearing, petitioner has confined the relief to an opportunity for repaying the overdue amount in instalments and to obtain regularisation of the loan account.

3. The learned counsel for the respondent bank submits that though the petitioner approached this Court earlier, by filing W.P.(C) No.31609 of 2024, the bank is willing to permit the petitioner to pay off the overdue amount of Rs.73,21,080/- as on 08.04.2025 in some installments. It is submitted that since this is the second round of litigation at the instance of the petitioner, the number of installments may be limited.

4. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Bank and having regard to the facts and circumstances of the case and the submissions made as recorded above and also taking into account the fact that the petitioner



has undertaken to clear off the overdue amount along with regular EMIs/instalments, I am of the view that the petitioner can be granted an opportunity to clear off the overdue amount in six (6) equal monthly instalments first of which shall be paid on or before 30.04.2025 and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan account regularised.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire overdue amount of Rs.73,21,080/- along with interest, bank charges and costs from the petitioner and regularise the loan account of the petitioner in the following manner:

- (i) The petitioner shall pay the overdue amount of Rs.73,21,080/- together with any accrued interest, bank charges and costs in six equated monthly instalments;
- (ii) The first instalment shall be paid on or before 30.04.2025 and the subsequent instalments shall be paid on or before last working day of each succeeding month;
- (iii) Petitioner shall continue to pay the regular EMI's/ instalments along with the instalments directed above;



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

Scl/



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APPENDIX OF WP(C) 13925/2025

PETITIONER EXHIBITS

Exhibit-P1	THE TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE 1ST RESPONDENT DATED 25.07.2024.
Exhibit-P2	THE TRUE COPY OF THE JUDGMENT DATED 09.09.2024 IN WP(C) NO.31609/2024.
Exhibit-P3	THE TRUE COPY OF NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 24.03.2025.