



2025:KER:30976

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. 14389 OF 2025

PETITIONERS:

AMEEN C.M.,
AGED 39 YEARS, S/O. MUHAMMAD,
CHITETHUKUDY HOUSE, ODAKKALI, ASAMANNOOR P.O.,
ASAMANNOOR, ERNAKULAM, KERALA, PIN - 683 549.

BY ADVS.

KRISHNENDHU V.B
HARIKRISHNAN V.A

RESPONDENTS:

- 1 AUTHORIZED OFFICER,
KERALA STATE COOPERATIVE BANK LTD.,
KOTHAMANGALAM MAIN BRANCH,
BUILDING NO. KMC 17/868,
ELENJICKAL BUILDING HIGH RANGE JN.,
KOTHAMANGALAM P.O., KOTHAMANGALAM, KERALA,
PIN - 686 691.
- 2 SECRETARY,
KERALA STATE CO-OPERATIVE BANK LTD.,
KOTHAMANGALAM MAIN BRANCH,
BUILDING NO. KMC 17/868,
ELENJICKAL BUILDING HIGH RANGE JN.,
KOTHAMANGALAM P.O., KOTHAMANGALAM, KERALA,
PIN - 686 691.

BY ADV. K.AMMINIKUTTY, SC

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

**JUDGMENT**

Petitioner availed two loans from the respondent bank. On default being committed proceedings have been initiated against the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), prompting the petitioner to approach this Court by filing the above writ petition.

2. During the course of hearing, petitioner has confined the relief to an opportunity for repaying the overdue amount in installments and to obtain regularization of the loan accounts.

3. It is submitted on behalf of the respondent bank that the petitioner committed default in repayment and the total overdue amount in respect of both the loans put together is Rs.4,24,489/-, as on 31-03-2025. It is further submitted that though proceedings for recovery have been initiated, as a matter of indulgence, the respondent bank is



willing to accept repayment of the overdue amount in limited installments and regularize the loan accounts.

4. Having regard to the circumstances of the case and the submissions made as recorded above, I am of the view that the petitioner can be granted an opportunity to repay the overdue amount in 12 installments and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan accounts regularized.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire overdue amount of Rs.4,24,489/- along with any accrued interest, costs and charges from the petitioner and regularize the loan accounts of the petitioner in the following manner:

(i) The petitioner shall pay the overdue amount of Rs.4,24,489/- in 12 equated monthly installments along with any accrued interest, costs and charges;

(ii) The first installment shall be paid on or before 30-04-2025. The subsequent installments shall be paid on or before the last working day of the succeeding months;



(iii) Petitioner shall continue to pay the regular EMI's/installments along with the installments as directed above;

(iv) In the event of default of any one installment, 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**

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APPENDIX OF WP(C) 14389/2025

PETITIONER'S EXHIBITS

Exhibit P1

**THE TRUE COPY OF THE POSSESSION NOTICE
DATED NILL ISSUED BY THE RESPONDENT**