



2025:KER:30991

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. 14533 OF 2025

PETITIONER:

**MUHAMMED ARIF M.S.,
AGED 42 YEARS
S/O. SHAHUL HAMEED, MUNDKKATHAZHAM HOUSE, H.NO.320,
VATTEKKUNNAM, EDAPPALLY NORTH P.O., ERNAKULAM, PIN -
682024**

BY ADV AL IRSHANA SHEMEEN C.S.

RESPONDENTS:

- 1 KERALA STATE CO-OPERATIVE BANK LTD.,
ERNAKULAM EVENING BRANCH, REPRESENTED BY ITS MANAGER,
CHITTOOR ROAD, VALANJAMBALAM, ERNAKULAM, PIN - 682016**
- 2 THE SPECIAL SALE OFFICER,
KERALA STATE CO-OPERATIVE BANK LTD., CREDIT PROCESSING
CENTRE, ERNAKULAM, KAKKANAD P.O., ERNAKULAM, PIN -
682030**

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**

Petitioner availed credit facilities from the respondent bank. On default being committed proceedings have been initiated against the petitioner under the provisions of the SARFAESI Act. The petitioner applied for and obtained settlement under the One Time Settlement (OTS) scheme. However, he could not pay the amounts as per the terms of the OTS scheme, and he is thus before this court seeking the following reliefs:

“i) issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondent to grant some installment facility to pay back the loan amount as per Exhibit P3 Settlement.

ii) to direct the respondent to stop all further proceedings of the Exhibit P1 Notice dated 27-03- 2025 issued by the advocate commissioner in M.C.No.1268/2024 on the file of Additional Chief Judicial Magistrate Court, Ernakulam.

iii) Issue any such other writ order or direction as this Hon’ble Court deems fit in the interest of justice.

iv) It is also prayed that this Hon’ble Court may be pleased to dispense with the production of translation of vernacular documents.”

2. Learned counsel appearing for the respondent bank submits that the outstanding amount as on today is Rs.16,33,168/-. It is submitted that though the bank has no objection in granting some reasonable installments to the petitioner to clear the outstanding amount, the prayer of the petitioner to extend the time



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for payment in terms of the OTS scheme cannot be sustained. It is submitted that the petitioner cannot seek for such relief in the light of the law laid down by the division bench of this Court in ***State Bank of India V. Sham; 2024 (6) KLT 865***.

2. Having heard the learned counsel appearing for the petitioner, and the learned counsel appearing for the respondent bank, I am of the view that the only relief that can be granted to the petitioner is a direction to the respondent bank to permit the petitioner to clear the outstanding liability in some installments. The question of directing the extension of time for payment of amount under the OTS scheme does not arise on the authority of the law laid down in ***State Bank of India V. Sham; 2024 (6) KLT 865*** (supra). Accordingly, this petition will stand disposed of directing the respondent bank to accept repayment of the entire outstanding amount of Rs.16,33,168/- along with any accrued interest, costs and charges from the petitioner in the following manner:

(i) The outstanding amount of Rs.16,33,168/- along with any accrued interest, costs and charges shall be repaid in 12 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 the last working day of every succeeding



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months;

(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 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

Nsd



APPENDIX OF WP(C) 14533/2025

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| Exhibit-P1 | TRUE COPY OF THE NOTICE DATED 27.03.2025
ISSUED BY THE ADVOCATE COMMISSIONER TO THE
PETITIONER |
| Exhibit-P2 | TRUE COPY OF THE RECEIPT FOR RS.1,00,000/-,
DATED 10.02.2025. |
| Exhibit-P3 | TRUE COPY OF THE SETTLEMENT IN THE ADALATH
DATED 27.02.2025 BETWEEN THE PETITIONER AND
THE RESPONDENT BANK FOR AN AMOUNT OF
RS.6,51,614/- |