



2024:KER:80600

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 29TH DAY OF OCTOBER 2024 / 7TH KARTHIKA, 1946

WP(C) NO. 37936 OF 2024

PETITIONERS:

- 1 ABDUL KHADHER,
 AGED 61 YEARS
 S/O MOIDHU, RESIDING AT KARAPPAMVEETIL @
 MELEYIL HOUSE, KATTAKAMBAL DESOM, KUNNAMKULAM
 TALUK, THRISSUR, PIN - 680503
- 2 KADHEEJA,
 AGED 50 YEARS
 W/O ABDUL KHADHER, RESIDING AT KARAPPAMVEETIL
 @ MELEYIL HOUSE, KATTAKAMBAL DESOM,
 KUNNAMKULAM TALUK, THRISSUR, PIN - 680503
- 3 ISHAK,
 AGED 30 YEARS
 S/O.ABDUL KHADHER, RESIDING AT KARAPPAMVEETIL
 @ MELEYIL HOUSE, KATTAKAMBAL DESOM,
 KUNNAMKULAM TALUK, THRISSUR, PIN - 680503

BY ADVS.
T.C.SURESH MENON
B.DEEPAK

RESPONDENTS:

- 1 THE AUTHORIZED OFFICER,
 THE KERALA STATE CO-OPERATIVE BANK, PAZHANJI
 BRANCH, (FORMERLY THE THRISSUR DISTRICT CO-
 OPERATIVE BANK LIMITED), THRISSUR DISTRICT, PIN -
 680503
- 2 THE KERALA STATE CO-OPERATIVE BANK,



**PAZHANJI BRANCH, (FORMERLY THE THRISSUR DISTRICT
CO-OPERATIVE BANK LIMITED), REPRESENTED BY ITS
BRANCH MANAGER, KUNNAMKULAM TALUK, THRISSUR
DISTRICT, PIN - 680503**

OTHER PRESENT:

SRI.K.S. ARUN KUMAR-SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.10.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



JUDGMENT

(Dated this the 29th day of October, 2024)

The petitioners had availed a housing loan of Rs.25,00,000/- from the 2nd respondent-Bank in the year 2022 by mortgaging 1st petitioner's property having an extent of 0.0548 hectares (approximately 13 cents). Since there was a default on the part of the petitioners in remitting the EMIs, SARFAESI proceedings were initiated, and ultimately Ext.P2 notice was issued.

3. The Standing counsel for the respondent-Bank on instructions submits that the overdue amount as of today is Rs. 5,35,988/-.

4. The counsel for the petitioners seeks indulgence of this court to grant 15 installments to wipe off the overdue amount.

5. Having heard the counsel appearing for the petitioner as well as Standing counsel appearing for the respondents, I deem it appropriate to dispose of the writ petition as follows:

- (i) The petitioners shall pay the overdue amount in ten equal monthly installments along with regular installments.
- (ii) The first installment is to be paid on or before 05.12.2024,



and the remaining 9 installments on or before the 5th day of each succeeding month, along with regular installments.

- (iii) After making payment of the entire overdue amount along with regular installments, the petitioners shall continue to pay the regular installments till the entire loan liability is discharged.
- (iv) In case of failure to make payment of the installments as directed above, the Bank shall be free to take possession of the secured assets. The Bank shall proceed against the petitioners in accordance with law to realize its dues.
- (v) Till such time, all coercive proceedings against the secured assets shall be deferred.

Sd/-
BASANT BALAJI
JUDGE

Mms



APPENDIX OF WP(C) 37936/2024

PETITIONERS EXHIBITS

- | | |
|-------------------|---|
| EXHIBIT-P1 | TRUE COPY OF THE ORDER PASSED IN
CRL.M.P. NO.9144/2024 ON THE FILE OF
THE CHIEF JUDICIAL MAGISTRATE COURT,
THRISSUR, DATED 27.8.2024. |
| EXHIBIT-P2 | TRUE COPY OF THE NOTICE ISSUED BY THE
ADVOCATE COMMISSIONER IN CRL.M.P.
NO.9144/2024 ON THE FILE OF THE COURT
OF THE CHIEF JUDICIAL MAGISTRATE,
THRISSUR, DATED 19.10.2024 AND AN
ENGLISH TRANSLATION OF THE SAME. |