IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JANUARY 2020 / 1ST MAGHA, 1941

WP(C).No.999 OF 2020(Y)

PETITIONER:

SMT.SELMA BEEVI, AGED 69 YEARS,
W/O.SRI.KHALID KUNJU, K.K.HOUSE, NELLIMOODU,
KULATHUPUZHA, KOLLAM DISTRICT, PIN-691310.

BY ADV. SRI.S.VIDYASAGAR

RESPONDENTS:

1 **REPCO BANK,**
REPCO TOWER 33, NORTH USMAN ROAD, T.NAGAR,
CHENNAI-600017,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER.

2 **BRANCH MANAGER,**
REPCO BANK, KULATHUPUZHA BRANCH, KP-XVII
MANNAMCHALIL COMPLEX, 1ST FLOOR,
TRIVANDRUM-SHENCOTTAI ROAD, KULATHUPUZHA -691310,
PH.NO. 0475-231855.

ADVOCATE SRI.V.KRISHNA MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

W.P.(C) No. 999 of 2020

Dated this the 21st day of January, 2020

J U D G M E N T

The prayers in the above Writ Petition (Civil) are as follows:

"

(1) *Direct the respondents to allow the petitioner to pay the entire defaulted amount on installments as this Hon'ble Court may permit and direct the 2nd respondent to withdraws the recovery steps initiated against the petitioner's property under Exhibit P3 and P4 document.*

(2) *Pass such other orders deemed fit and proper under the circumstances of the above case."*

2. Heard Sri.S.Vidyasagar, learned counsel appearing for the petitioner and Sri.V.Krishna Menon, learned counsel appearing for the respondents (Repco Bank).

3. The learned counsel appearing for the respondents was earlier requested to get instructions in the matter. Today when the matter was taken up for consideration, Sri.V.Krishna Menon, learned counsel appearing for the respondents (Repco Bank) would submit on the basis of instructions that the petitioner is the co-borrower in the transaction, the principal borrower being her daughter and the

mortgaged property belongs to the petitioner's daughter. That the overdues to be cleared in this loan transaction as on 18.1.2020 for regulariziation of loan account is around Rs.5,50,339/- and that the respondent bank is prepared to give the petitioner one last opportunity to clear the overdues in monthly instalments so that the dues are so cleared on or before 31.3.2020 or within such reasonable time limit that may be appropriately fixed by this Court.

4. The counsel for the petitioner submits that longer instalments are required in this case.

5. After hearing both sides more particularly taking note of the abovesaid submissions made on behalf of the respondent bank, the following directions and orders are passed.

(i) The competent official of the respondent bank shall furnish a comprehensive and authenticated statement of account pertaining to the loan transaction in question showing the precise details thereof and the total dues to be cleared by the borrower as on the date of issuance of the said statement for regularizing the loan account and as to how the said figures have been arrived at and this may be done immediately.

(ii) *The petitioner is given time to clear the entire overdues by*

paying the same in 8 equal monthly instalments, the 1st instalment of which should be paid on or before 15.2.2020 and the subsequent instalments shall be cleared on or before the last day of the month concerned, and the outer time limit for paying the instalments shall be on or before 30.6.2020. Further it is ordered that the petitioner shall pay all the applicable charges and interest thereon and should also clear regular EMIs in time.

(iii) Until the expiry of said time limit, further steps pursuant to the impugned proceedings shall be kept in abeyance by the respondent bank.

(iv) However, in case the petitioner does not comply with any one of the abovesaid conditions or commits default of any of the abovesaid instalments including the regular EMIs, then the respondent will be at liberty to proceed further with the impugned steps pursuant to the impugned proceeidngs from the stage where it has stopped.

With these observations and directions, the above Writ Petition (Civil) stands finally disposed of.

Sd/-

ALEXANDER THOMAS,
JUDGE

MMG

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**THE TRUE COPY OF THE LOAN PASS BOOK WITH THE 2ND RESPONDENT BANK SHOWING PAYMENT OF RS.5 LAKHS AND ODD TOWARDS THE LOAN OF RS.9,50,000/- (NINE LAKHS FIFTY THOUSAND) AND PROMPT REPAYMENT OF INSTALLMENTS UP TO MARCH 2017.**
EXHIBIT P2	**THE TRUE COPY OF THE MEDICAL REPORT ISSUED BY REGIONAL CANCER CENTRE, THIRUVANANTHAPURAM DATED 28.3.2017 SHOWING TREATMENT OF CANCER FOR PETITIONER'S DAUGHTER SHYLAJA.**
EXHIBIT P3	**THE TRUE COPY OF THE FORECLOSURE NOTICE DATED 27.12.2018 ISSUED BY THE 2ND RESPONDENT BANK TO THE PETITIONER AND OTHER BORROWERS.**
EXHIBIT P4	**THE TRUE COPY OF THE POSSESSION NOTICE CAUSED TO BE ISSUED TO THE PETITIONER ON 27.9.2019 BY THE 2ND RESPONDENT BANK.**