IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

TUESDAY, THE 26TH DAY OF MAY 2020 / 5TH JYAISHTA, 1942

WP(C).No.10365 OF 2020

PETITIONER/S:

INDIRA K.J,
AGED 52 YEARS
KANIBHAVAN, ENNAKKAD P.O, CHENGANNUR-689624

BY ADV. SRI.JOHN K.GEORGE

RESPONDENT/S:

THE AUTHORIZED OFFICER,
INDUSIND BANK LTD., PARUTHELI PALAM, NEAR TOLL JUNCTION, EDAPPALLY, KOCHI-682 024

OTHER PRESENT:

SRI VARGHESE C KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 26th day of May 2020

The petitioner who unfortunately at the age of 54 became a widow on demise of her husband, has approached this court under Article 226 for issuance of directions to the respondent bank to release vehicle bearing registration No. KL 30 E-4142 which has been taken into possession in January, 2020 on account of failure of equated monthly installments.

2. The husband of the petitioner availed a vehicle loan from the respondent bank in respect of the registered car for a sum of Rs.7,24,000/- and to be repaid in equal monthly installment of Rs.16,700/- standing over a period of 5 years, that is upto 02nd March, 2021. The aforementioned installments were being remitted regularly without default till Feb, 2019. However in March, 2019, the husband of the petitioner was diagnosed with heart ailment and was under constant treatment and unfortunately gone to coma and passed away on 14th July 2019.

3. Learned counsel appearing on the behalf of the petitioner submits that the EMI upto the month of January 2020 have been regularly paid. But owing to the economic failure, the other EMIs could not be paid resulting into the seizure of the vehicle. Since 24th March 2020, Government of India promulgated a moratorium for the loanees to defer the payment of installments upto 31.08.2020. On instructions from client, he submits that client outstanding dues along with the interest would be paid within a period of one week provided the bank releases the vehicle.

4. Issue notice before admission. Mr. Varghese Kuriakose accepts notice on behalf of the bank and submits that the total outstanding amount including dues as on today is Rs.1,74,233/-. The bank is not averse if an amount of Rs.1,20,00/- and subsequently reduced to Rs.80,000/- is deposited, the vehicle would be released.

5. On the other hand, the counsel for the petitioner submits that the overdue amount would not be more that Rs.64,000/- plus interest and petitioner would continue to

pay the regular installments after 31.08.2020 including the interest.

6. Keeping in view of the peculiar circumstances and without going into the merits of the case, I dispose of this writ petition by directing the petitioner to pay a sum of Rs.70,000/- within a period of one month, ie on or before 25.06.2020. As and when the amount is deposited, the bank is directed to release the vehicle forthwith against a valid receipt. The petitioner in case approaches for regularization, the bank may consider the request taking into consideration the present scenario and take a call in accordance with law.

Sd/- **sd/-**

AMIT RAWAL

JUDGE

SM

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT DATED 9.4.2020.**
EXHIBIT P2	**TRUE COPY OF THE ORDER DATED18.1.2020 PASSED BY THE LEARNED CHIEF JUDICIAL MAGISTRATE COURT, ALAPUZHA**
EXHIBIT P3	**TRUE COPY OF THE NOTICE DATED 17.2.2020 ISSUED BY THE RESPONDENT.**
EXHIBIT P4	**TRUE COPY OF THE REPLY DATED 2.3.2020 TO THE PRE-SALE NOTICE.**