IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

FRIDAY, THE 26TH DAY OF JULY 2024 / 4TH SRAVANA, 1946

WP(C) NO. 26916 OF 2024

PETITIONER:

MARTIN N.J.,
AGED 60 YEARS
NETTIKKADAN HOUSE, KARAYANPARAMBU,
KARUKUTTY, KARUKUTTY.P.O,
ANGAMALY, ERNAKULAM DISTRICT,
PIN – 683576

BY ADVS.
P.M.JOSHI
SIJI K.PAUL
BONNY BABY
SRUTHI SUNILKUMAR
C.GOKULKRISHNAN

RESPONDENT:

THE AUTHORISED OFFICER,
KERALA GRAMIN BANK,
REGIONAL OFFICE COASTAL TOWERS (KARITHATT,
NEAR SAMSKARA JUNCTION, PIPELINE ROAD,
PALARIVATTOM, ERNAKULAM DISTRICT,
PIN – 682025

BY ADV
JAWAHAR JOSE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DINESH KUMAR SINGH, J.

W.P.(C) No. 26916 of 2024

Dated this the 26th day of July, 2024

JUDGMENT

The present writ petition has been filed with the following prayers:

> *i. Issue a writ of mandamus or appropriate writ or directions quashing Exhibit-P1 notice as the same was issued without invoking the conciliation or arbitration as per S.11 is violation of fundamental right guaranteed to the petitioners under article 14 and 19 of the constitution of India*
>
> *ii. Issue a necessary direction to the respondent to enable the petitioner to clear the loan in reasonable installments ranging from the 31-08-2024.*
>
> *iii. Grant such other orders that the Hon'ble court may be deeming fir and proper in the due course of the case*

2. The petitioner had taken a loan of Rs.4,00,000/- from the respondent Bank and committed default in serving the loan account. The Bank had classified the loan account of the petitioner as NPA and proceeded under the provisions of the SARFAESI Act.

3. The learned Counsel for the respondent Bank submits that, if the petitioner pays off the overdue amount of Rs.3,00,000/- in some installments as this Court may fix along with regular installment, the Bank shall not proceed against the petitioner under the provisions of the

SARFAESI Act. After making payment of the overdue amount along with the regular installment, the petitioner will continue to pay the EMI's as per the terms of the loan account. Considering the aforesaid submission, this writ petition is disposed of with the following terms;

(i) The petitioner shall pay the overdue amount of Rs.3,00,000/- in six installments along with regular installments.

(ii) The first installment is to be paid on or before 28.08.2024 and remaining five installments along with regular installments on or before the twentieth day of the succeeding month.

(iii) In case of failure to make payment of first installment or any other subsequent installments, the Bank shall be free to proceed against the petitioner.

With the aforesaid directions, this writ petition is disposed of.

Sd/-

DINESH KUMAR SINGH,
JUDGE

MSA

APPENDIX OF WP(C) 26916/2024

PETITIONER EXHIBITS

Exhibit-P1	**THE TRUE COPY OF THE POSSESSION NOTICE DATED 21-05-2024**
Exhibit-P2	**THE TRUE COPY OF THE DISCHARGE SUMMARY DATED 20-05-2024 ISSUED TO THE PETITIONER FROM LITTLE FLOWER HOSPITAL**