



2025:KER:31440

WP(C) NO. 5791 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 5791 OF 2025

PETITIONER/S:

- 1 JOY SATHYANESAN., AGED 52 YEARS
S/O.SATHYANESAN, KRIPA NIVAS, PALIYOD, KOTTACKAL.P.O,
PERUNKADAVILA, THIRUVANANTHAPURAM, PIN - 695124**
- 2 ROSLIN CHRISTHUDAS @ ROSLIN,
AGED 50 YEARS
D/O.ROSLET, KRIPA NIVAS, PALIYOD, KOTTACKAL.P.O,
PERUNKADAVILA, THIRUVANANTHAPURAM, PIN - 695124**

BY ADV P.USHAKUMARI

RESPONDENT/S:

- 1 THE KERALA STATE CO-OPERATIVE BANK LIMITED.,
(ERSTWHILE THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK
LIMITED), REPRESENTED BY ITS AUTHORISED OFFICER,
REGIONAL OFFICE, KIZHAKKEKOTTAH, FORT.P.O,
THIRUVANANTHAPURAM, PIN - 695023**
- 2 THE AUTHORISED OFFICER,
KERALA STATE CO-OPERATIVE BANK LIMITED (ERSTWHILE
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LIMITED),
KUNNATHUKAL BRANCH, THIRUVANANTHAPURAM, PIN - 695504**

BY ADVS.

**SRI.THOMAS ABRAHAM SC THIRUVANANTHAPURAM DIST. CO.OP
BANK
Thomas Abraham**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**JUDGMENT**

Petitioners have approached this Court, challenging proceedings initiated by the respondent Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for recovery of the amounts due from the petitioners.

2. During the course of hearing, petitioner has confined the relief to an opportunity for repaying the overdue amount in instalments and to obtain regularisation of the loan account.

3. It is submitted on behalf of the respondent bank that the petitioners availed a loan from the respondent bank and committed default in repayment and the overdue amount, as on 10.04.2025 would come to Rs.8,41,237/- (Rupees Eight lakh forty one thousand two hundred and thirty seven only). It is further submitted that though proceedings for recovery have been initiated, as a matter of indulgence, the respondent bank is willing to accept repayment of the overdue amount in limited instalments and regularise the loan account.



4. Having regard to the circumstances of the case and the submissions made as recorded above, I am of the view that the petitioners can be granted an opportunity to repay the overdue amount of Rs.8,41,237/- (Rupees Eight lakh forty one thousand two hundred and thirty seven only) along with any accrued interest, cost and charges in twelve instalments and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan account regularised.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire overdue amount of Rs.8,41,237/- (Rupees Eight lakh forty one thousand two hundred and thirty seven only) along with accrued interest, cost and bank charges from the petitioners and regularise the loan account of the petitioners in the following manner:-

- (i) The petitioners shall pay the overdue amount of Rs.8,41,237/- (Rupees Eight lakh forty one thousand two hundred and thirty seven only) along with any accrued interest, cost and charges in twelve equated monthly instalments;
- (ii) The first instalment shall be paid on or before 05.05.2025 and the subsequent instalments shall be paid on or before the 05th day of each succeeding months;



- (iii) Petitioners shall continue to pay the regular EMI's/instalments along with the instalments directed above;
- (iv) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with the law;
- (v) In order to enable the petitioners 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

ajt



APPENDIX OF WP(C) 5791/2025

PETITIONER EXHIBITS

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|-------------------|--|
| Exhibit P1 | TRUE COPY OF THE LETTER DATED 24.01.2025
ISSUED BY THE ADVOCATE-COMMISSIONER TO THE
PETITIONERS |
| Exhibit P2 | TRUE COPY OF THE APPLICATION FILED BY THE
RESPONDENTS BEFORE THE LEARNED CJM COURT,
THIRUVANANTHAPURAM |
| Exhibit P3 | TRUE COPY OF THE APPLICATION SUBMITTED BY THE
FIRST PETITIONER BEFORE GHSS. MYLACHAL, DATED
10.09.2024 |
| Exhibit P4 | TRUE COPY OF THE FORWARDING LETTER DATED
30.09.2024 SENT BY THE PRINCIPAL GHSS,
MYLACHAL, TO THE HIGHER AUTHORITIES |
| Exhibit P5 | TRUE COPY OF THE APPLICATION DATED 10.02.2025
SUBMITTED BY THE PETITIONERS BEFORE THE
RESPONDENTS FOR OTS |