



2025:KER:29548

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 4<sup>TH</sup> DAY OF APRIL 2025 / 14TH CHAITHRA, 1947

WP(C) NO. 11629 OF 2025

**PETITIONER:**

BIJAY RAJ,  
AGED 40 YEARS  
C/O. MR. VENUGOPAL PLAZHY, PLAZHY HOUSE, KURUMBILAVU,  
PAZHUVIL P.O., TRISSUR DT., PIN - 680564.

BY ADVS.  
M.MUHAMMED SHAFI  
T.RASINI  
ADHEELA NOWRIN  
RAMEESA RASHEED

**RESPONDENT:**

HDFC BANK,  
RAVIPURAM BRANCH, M G ROAD, ENAKULAM DT. REP. BY ITS  
AUTHORIZED OFFICER, PIN - 682015.

BY ADVS.  
AMBILY S  
RUPA R. NAIR(K/001021/2023)  
ELIZABETH PETER(K/001100/2025)  
K.K.CHANDRAN PILLAI (SR.)(C-41)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
04.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner has approached this Court challenging proceedings under the SARFAESI Act which have been initiated by the respondent Bank for recovery of the amounts due from the petitioner.

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 was submitted on behalf of the respondent Bank that the petitioner committed default in repayment of a housing loan and the overdue amount as on today (04.04.2025) [after giving credit to the interim order dated 21.03.2025] is Rs.20,96,652/-(Rupees twenty lakhs ninety six thousand six hundred and fifty two only). It was 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



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submissions made as recorded above, I am of the view that the petitioner can be granted an opportunity to repay the overdue amount along with any accrued interest, costs and charges in five 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.20,96,652/-(Rupees twenty lakhs ninety six thousand six hundred and fifty two only) along with any accrued interest, costs and charges from the petitioner and regularise the loan account of the petitioner in the following manner:

- i. The petitioner shall pay the overdue amount of Rs.20,96,652/-(Rupees twenty lakhs ninety six thousand six hundred and fifty two only) along with any accrued interest, costs and charges in five equated monthly instalments;
- ii. The first instalment shall be paid on or before 30.04.2025 and the subsequent instalments shall be paid on or before the last working day of every succeeding months;
- iii. Petitioner 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;



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- v. In order to enable the petitioner 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**

DK



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**APPENDIX OF WP(C) 11629/2025**

**PETITIONER EXHIBITS**

|                   |                                                                                     |
|-------------------|-------------------------------------------------------------------------------------|
| <b>Exhibit P1</b> | <b>TRUE COPY OF THE NOTICE DATED 27-02-2025 ISSUED BY THE ADVOCATE COMMISSIONER</b> |
|-------------------|-------------------------------------------------------------------------------------|