



2025:KER:29915

WP(C) NO. 11773 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 11773 OF 2025

PETITIONER/S:

**JOSE P.P., AGED 58 YEARS
S/O. PALIO ALIAS PAUL, PADINJAREKALAYIL HOUSE,
KADUTHURUTHY P.O., KOTTAYAM DISTRICT, PIN - 686604**

**BY ADVS.
V.VISAL AJAYAN
FRANCIS THENAMPARAMBIL**

RESPONDENT/S:

**KADUTHURUTHY URBAN CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS AUTHORIZED OFFICER, MAIN JUNCTION,
KADUTHURUTHY, KOTTAYAM, KERALA,, PIN - 686604**

BY ADV RENJITH.R NAIR

SRI. RENJITH R., SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**JUDGMENT**

Petitioner has 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 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 is submitted on behalf of the respondent bank that the petitioner availed a loan from the respondent bank and committed default in repayment and the overdue amount, as of now, would come to Rs.1,14,545/- (Rupees One lakh fourteen thousand five hundred and forty five 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 petitioner can be granted an opportunity to repay the overdue amount of Rs.1,14,545/- (Rupees One lakh fourteen thousand five hundred and forty five only) along with any accrued interest, cost and charges in four 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.1,14,545/- (Rupees One lakh fourteen thousand five hundred and forty five only) along with accrued interest, cost and bank 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.1,14,545/- (Rupees One lakh fourteen thousand five hundred and forty five only) along with any accrued interest, cost and charges in four 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 each 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;
- (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

ajt



APPENDIX OF WP(C) 11773/2025

PETITIONER EXHIBITS

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|-------------------|--|
| Exhibit P1 | A TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 13(2) OF THE SARFAESI ACT BY THE RESPONDENT TO THE PETITIONER DATED 15.10.2024 |
| Exhibit P2 | A TRUE COPY OF THE PAYMENT REMITTED RECEIPT ISSUED BY THE RESPONDENT BANK TO THE PETITIONER DATED 18.12.2023 |
| Exhibit P3 | A TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER IN MC NO.315/2025 DATED 13.03.2025 |
| Exhibit P4 | A TRUE COPY OF THE PAYMENT REMITTED RECEIPT ISSUED BY THE RESPONDENT BANK TO THE PETITIONER DATED 28.02.2025 |
| Exhibit P5 | A TRUE COPY OF THE PAYMENT REMITTED RECEIPT ISSUED BY THE RESPONDENT BANK TO THE PETITIONER DATED 18.03.2025 |