2025:KER:31470

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE N.NAGARESH**

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

**WP(C) NO. 14636 OF 2025**

**PETITIONER:**

**LUCY LUKA,**
**AGED 63 YEARS**
**KARUKACHERIL HOUSE, KATTAPPANA,**
**KATTAPPANA P.O, IDUKKI DISTRICT,**
**PIN – 685508.**

**BY ADVS.**
**JESTIN MATHEW**
**KRISHNA PRABHA**

**RESPONDENTS:**

1 **AUTHORISED OFFICER,**
**CHIEF MANAGER, STATE BANK OF INDIA,**
**RACC, KATTAPPANA, KATTAPPANA PO,**
**IDUKKI DISTRICT, PIN – 685508.**

2 **STATE BANK OF INDIA,**
**REPRESENTED BY ITS BRANCH MANAGER,**
**STATE BANK OF INDIA, KATTAPPANA BRANCH,**
**KATTAPPANA P O, IDUKKI DISTRICT,**
**PIN – 685508.**

**BY ADV.SRI. JITHESH MENON, STANDING COUNSEL**

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

# JUDGMENT

Dated this the 10th day of April, 2025

The petitioner is borrower of a financial advance from the 2nd respondent-Bank. When the 2nd respondent-Bank initiated coercive proceedings, the petitioner approached this Court filing W.P.(C) No.20896 of 2024. The said writ petition was disposed of permitting the petitioner to remit the outstanding amount of ₹28,20,766/- in eight consecutive and equal monthly instalments commencing from 11.07.2024.

2. The petitioner states that out of the eight instalments, the petitioner has remitted six instalments. Now, the Bank is demanding a higher amount. The petitioner is willing to settle the loan account through an One Time Settlement, if the petitioner is granted an OTS facility.

3. Standing Counsel entered appearance and resisted the writ petition. The Standing Counsel submitted that after obtaining an order of this Court for repaying the entire demanded amount in instalments, the petitioner is not justified in seeking OTS facility. Furthermore, apart from the amount of ₹28,20,766/-, the petitioner is liable to pay accruing interest and other administrative charges, if any. The writ petition is therefore without any merit.

4. I have heard the learned Counsel for the petitioner and the learned Standing Counsel representing the respondents.

5. Considering the fact that out of the outstanding amount of ₹28,20,766/-, the petitioner has paid about 75% of the due amount, the petitioner can be granted a chance to make an OTS proposal which can be considered by the Bank as per their Rules.

The writ petition is accordingly disposed of directing that if the petitioner makes an OTS proposal within a period of one week from today as per the Rules of the Bank, the Bank shall consider the same and take a decision thereon within a further period of two weeks.

Sd/-
**N. NAGARESH**
**JUDGE**

ams

**APPENDIX OF WP(C) 14636/2025**

**PETITIONER EXHIBITS**

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| **Exhibit P1** | **A TRUE COPY OF THE DEMAND NOTICE DATED 19.07.2023 ISSUED BY THE 1ST RESPONDENT** |
| **Exhibit P2** | **A TRUE COPY OF THE JUDGEMENT DATED 11.06.2024IN WP(C) NO. 20896/2024** |
| **Exhibit P3** | **A TRUE COPY OF THE STATEMENT OF ACCOUNT RECEIVED FROM THE 2ND RESPONDENT TO THE PETITIONER DATED 27/01/2025** |