2025:KER:31565

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. 14995 OF 2025

PETITIONER:

MADHAVI,
AGED 74 YEARS
W/O. PRABHAKRAN, THOTTIPARAMBIL HOUSE, VELLANIKKARA P.O.,CHIRAKKEKODE, MADAKKATHARA, THRISSUR, PIN - 680564

BY ADVS.
K.I.SAGEER
MUHAMMED YASIL

RESPONDENT:

AUTHORISED OFFICER,
CANARA BANK, REGIONAL OFFICE, ABA PLAZA, KOORKENCHERY, THRISSUR, PIN - 680007

SRI. M.GOPIKRISHNAN NAMBIAR, SC

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

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JUDGMENT

Petitioner has approached this Court challenging proceedings under the SARFAESI Act which have been initiated by the 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 outstanding amount in instalments.

3. It is submitted on behalf of the respondent bank that the petitioner committed default in repayment of a overdraft facility and the outstanding amount as on 30.04.2025 is Rs.23,57,878/-. 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 outstanding amount in limited instalments.

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 outstanding amount on condition that Rs.5,00,000/- shall be paid on or before 29.04.2025 and the balance amount shall be paid in 12 equal monthly instalments, the first of which shall be paid on or before 30.05.2025 and the subsequent instalments shall be paid on the last working day of every succeeding months.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the outstanding amount of Rs.23,57,878/- along

with accrued interest, costs and charges from the petitioner in the following manner:

(i) The petitioner shall pay a sum of Rs.5,00,000/- on or before 29.04.2025; the balance outstanding amount along with any accrued interest, costs and charges shall be repaid in 12 equal monthly instalments;

(ii) The first instalment shall be paid on or before 30.05.2025 and the subsequent instalments shall be paid on or before the last working day of every succeeding months;

(iii) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with the law;

(iv) In order to enable the petitioner to repay the entire amounts, all coercive proceedings shall be kept in abeyance.

6. If the petitioner complies with all the conditions, sale if any, held on 30.04.2025 shall not be confirmed. If the petitioner commits any further default, it will be open to the respondent bank to either confirm sale if any held on 30.04.2025 or to bring the property to sale again in accordance with the law.

The writ petition is disposed of as above.

sd/-
GOPINATH P.
JUDGE

Nsd

APPENDIX OF WP(C) 14995/2025

PETITIONER EXHIBITS

Exhibit-P1	**A TRUE COPY OF THE DEMAND NOTICE DATED 06.09.2024 ISSUED BY THE RESPONDENT**
Exhibit-P2	**A TRUE COPY OF THE NOTICE DATED 20.02.2025 ISSUED BY THE ADVOCATE COMMISSIONER**