2025:KER:31900

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. 15359 OF 2025

PETITIONER:

NOUSHAD MUHAMMED ABDUL KHADER,
AGED 55 YEARS,
S/O. MUHAMMED ABDUL KHADER IBRAHIM, T.C35/509,
MUBEENA MANZIL, AIRPORT ROAD, VALLAKADAVU P.O.,
THIRUVANANTHAPURAM, PIN – 695008.

BY ADV RAJEE P MATHEWS

RESPONDENTS:

1 STATE BANK OF INDIA,
REPRESENTED BY ITS AUTHORIZED OFFICER, SANGHUMUGAM BRANCH, THIRUVANANTHAPURAM, PIN – 695008.

2 STATE BANK OF INDIA,
LOCAL HEAD OFFICE, POOJAPPURA MAIN ROAD,
THIRUVANAATHAPURAM, REPRESENTED BY ITS AUTHORIZED OFFICER, PIN – 695021.

SRI. TOM K.THOMAS, SC

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

JUDGMENT

The petitioner along with his wife availed a loan from the respondent Bank. On default being committed, proceedings have been initiated against the petitioner under the provisions of the SARFAESI Act prompting the petitioner to approach this Court by filing the above writ petition.

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 committed default in repayment of a loan and the total overdue amount as on today (10.04.2025) is Rs.10,00,000/-(Rupees ten lakhs 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 total overdue

amount on condition that Rs.3,00,000/- (Rupees three lakhs only) shall be paid on or before 30.04.2025 and the balance amount along with any accrued interest, costs and charges shall be paid in eight equal monthly instalments, the first of which 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 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.10,00,000/-(Rupees ten lakhs 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 a sum of Rs.3,00,000/- (Rupees three lakhs only) on or before 30.04.2025. The balance overdue amount along with any accrued interest, costs and charges shall be paid in eight 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 month;

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

DK

APPENDIX OF WP(C) 15359/2025

PETITIONER EXHIBITS

Exhibit-P1	**THE TRUE COPY OF THE CASE SUMMERY AND DISCHARGE RECORD ISSUED BY SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCE & TECHNOLOGY, THIRUVANANTHAPURAM DATED 16/7/2023.**
Exhibit-P2	**THE TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE RESPONDENT BANK**