



2025:KER:25596

W.P (C) No. 6507/2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 25TH DAY OF MARCH 2025 / 4TH CHAITHRA, 1947

WP(C) NO. 6507 OF 2025

PETITIONER/S:

- 1 MANI T K,
S/O T J KURIAKOSE, AGED 63 YEARS
THANAGUMPATHIKKAL THADATHIL HOUSE, CHAMPAKARA P O,
KOTTAYAM DISTRICT, PIN - 686540
- 2 ANNIE MANI,
AGED 52 YEARS
W/O MANI T K, THANAGUMPATHIKKAL THADATHIL HOUSE,
CHAMPAKARA P O, KOTTAYAM DISTRICT, PIN - 686540

BY ADV GIKKU JACOB

RESPONDENT/S:

- 1 THE KERALA BANK (KERALA STATE CO-OPERATIVE BANK),
REGIONAL OFFICE, KOTTAYAM, KOTTAYAM DISTRICT,
REPRESENTED BY ITS AUTHORIZED OFFICER, PIN - 686001
- 2 THE KERALA STATE CO-OPERATIVE BANK (KERALA BANK),
KARUKACHAL BRANCH, KARUKACHAL, KOTTAYAM DISTRICT,
REPRESENTED BY ITS BRANCH MANAGER, PIN - 686540

BY ADVS.
ATHUL SHAJI
GAUTHAM H.
ANJALY T.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J U D G M E N T**

Petitioners have availed separate loans from the respondent bank. On default being committed, proceedings have been initiated against the petitioners under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to recover the amounts due from the petitioners.

2. The learned counsel for the petitioners submits that pursuant to the interim order issued by this court on 04-03-2025 the petitioners have now remitted a total sum of Rs.5,00,000/- which has been credited against the loan accounts. After giving credit to the amounts remitted by the petitioners, there is an outstanding amount of Rs.6,87,573/- (as on 25-03-2025) in the loan account of the 1st petitioner, while there is an overdue amount of Rs.15,75,899/- (as on 25-03-2025) in the loan account of the 2nd petitioner. It is submitted that the term of the loan granted to the 1st petitioner will expire on 28-03-2025 and therefore the entire outstanding amount has to be paid. It is submitted that the loan account of the 2nd petitioner can be regularised by paying the overdue amount of Rs.15,75,899/- in some instalments.

4. Having heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent bank and having regard to the facts and circumstances of the case and considering the submissions made as recorded



above, I am of the view that the petitioners can be granted an opportunity to repay the outstanding amount in respect of loan taken by the 1st petitioner and the overdue amount in respect of loan taken by the 2nd petitioner in fifteen (15) instalments.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the outstanding amount of Rs.6,87,573/- in respect of the loan taken by the 1st petitioner and the overdue amount of Rs.15,75,899/- in respect of the loan taken by the 2nd petitioner along with interest/ bank charges and costs from the petitioner and regularise the loan of the 2nd petitioner in the following manner:-

- (i) The entire outstanding amount of Rs.6,87,573/- in respect of loan availed by the 1st petitioner together with any accrued interest, bank charges and costs shall be repaid in fifteen (15) equated monthly instalments;
- (ii) The overdue amount of Rs.15,75,899/- in respect of loan availed by the 2nd petitioner together with any accrued interest, bank charges and costs shall be repaid in fifteen (15) equated monthly instalments;
- (iii) The first instalment of both the loan accounts shall be paid on or



before 05-04-2025 and subsequent instalments shall be paid on or before 5th working day of each succeeding month;

- (iv) The 2nd petitioner shall continue to pay the regular EMIs / instalments in respect of loan availed by the 2nd petitioner along with instalments as directed above;
- (v) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with the law;
- (vi) In order to enable the petitioners to repay the amounts as directed above, all coercive proceedings shall be kept in abeyance.

The writ petition is disposed of as above.

Sd/-
GOPINATH P.
JUDGE

AMG

APPENDIX OF WP(C) 6507/2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF JUDGMENT DATED 25.06.2024 IN W.P. (C) NO.11186/20204 OF THE HON'BLE HIGH COURT OF KERALA
- Exhibit P2 TRUE COPY OF RECEIPT DATED 05.04.2024 FOR RS. 2,00,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P3 TRUE COPY OF RECEIPT DATED 09.04.2024 FOR RS.2,00,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P4 TRUE COPY OF RECEIPT DATED 08.05.2025 FOR RS.50,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P5 TRUE COPY OF RECEIPT DATED 05.06.2024 FOR RS.50,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P6 TRUE COPY OF RECEIPT DATED 31.08.2024 FOR RS.10,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P7 TRUE COPY OF RECEIPT DATED 25.07.2024 FOR RS.30,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P8 TRUE COPY OF RECEIPT DATED 12.11.2024 FOR RS.12,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P9 TRUE COPY OF RECEIPT DATED 19.12.2024 FOR RS.50,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P10 TRUE COPY OF RECEIPT DATED 31.12.2024 FOR RS.50,000/- WITH RESPECT TO LOAN NO.130560357000619 ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK



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- Exhibit P11** TRUE COPY OF RECEIPT DATED 31.01.2025 FOR
RS.20,000/- WITH RESPECT TO LOAN NO.130560357000619
ISSUED TO THE 1ST PETITIONER BY THE RESPONDENT BANK
- Exhibit P12** TRUE COPY NOTICE DATED 05.02.2015 ISSUED TO THE 1ST
PETITIONER BY ADVOCATE COMMISSIONER APPOINTED BY
CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM IN M.C.
NO.59/2025
- Exhibit P12(a)** TRUE COPY NOTICE DATED 05.02.2015 ISSUED TO THE 2ND
PETITIONER BY ADVOCATE COMMISSIONER APPOINTED BY
CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM IN M.C.
NO.59/2025