



WP(C) NO. 6526 OF 2025

1

2025:KER:15363

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 17<sup>TH</sup> DAY OF FEBRUARY 2025 / 28TH MAGHA, 1946

WP(C) NO. 6526 OF 2025

**PETITIONER/S:**

PIOUS MICHAEL,  
AGED 53 YEARS  
S/O. MICHAEL, KALLIDUKKIL HOUSE, VENAPPARA P.O.,  
OMASSERY, KOZHIKODE, PIN - 673573

BY ADVS.  
T.D.SUSMITH KUMAR  
JAYKAR.K.S.  
T.O.DEEPA  
VANDANA A.  
ANJALI R. MENON  
ALMY ANIL  
C.SIVADAS

**RESPONDENT/S:**

- 1 THE KERALA STATE CO-OPERATIVE BANK,  
KODUVALLY BRANCH, KODUVALLY BRANCH, KARATT BUILDING, I  
FLOOR, NEAR THRIVENI SUPER MARKET, KODUVALLY P.O.,  
KODUVALLY, PIN - 673572
- 2 THE AUTHORIZED OFFICER  
3/1156 L TO 3/1156 P, KARATT  
BUILDING, 1ST FLOOR, KODUVALLY, KODUVALLY, KOZHIKODE, PIN -  
673572

**OTHER PRESENT:**

SRI. P C SASIDHARAN (SC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
17.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

Petitioner has approached this Court challenging proceedings under the SARFAESI Act which have been initiated by the respondent 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 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 mortgaged loan and the overdue amount is Rs.6,52,547/-. It is submitted by the learned counsel for the respondent bank that possession is scheduled to be held on 18.02.2025. 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



2025:KER:15363

that the petitioner can be granted an opportunity to repay the total overdue amount on condition that Rs.1,50,000/- shall be paid within one week and the balance amount shall be paid in eight equal monthly instalments, the first of which shall be paid on or before 10.03.2025 and the subsequent instalments shall be paid on 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.6,52,547/- 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.1,50,000/- within one week from today; balance overdue amount along with any accrued interest, costs and charges shall be repaid in eight equal monthly instalments;
- ii. The first instalment shall be paid on or before 10.03.2025 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 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**

jm/



WP(C) NO. 6526 OF 2025

5

2025:KER:15363

**APPENDIX OF WP(C) 6526/2025**

**PETITIONER EXHIBITS**

**Exhibit P-1**

**A TRUE COPY OF THE NOTICE DATED  
04/02/2025 IN CMP NO.245/2025 ON THE FILE  
OF THE HON'BLE CHIEF JUDICIAL MAGISTRATE,  
KOZHIKODE ISSUED BY THE ADVOCATE  
COMMISSIONER**