



2025:KER:18260

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 4TH DAY OF MARCH 2025 / 13TH PHALGUNA, 1946

WP(C) NO. 8359 OF 2025

PETITIONER:

PARTHAN. G.,
AGED 37 YEARS, S/O GOPI,
RESIDING AT NETTAYATHUKONATH VEEDU, NEDUVELI,
KONCHIRA P.O., THIRUVANANTHAPURAM, PIN - 695 615.

BY ADVS.

GODWIN JOSEPH
VINOD.R

RESPONDENTS:

- 1 IDBI BANK,
REPRESENTED BY ITS AUTHORIZED OFFICER,
RETAIL RECOVERY, REGIONAL OFFICE,
PANAMPILLY NAGAR, ERNAKULAM, PIN - 682 036.
- 2 BRANCH MANAGER,
IDBI BANK, ULLOOR BRANCH, GROUND FLOOR,
M.G. CORPORATE CENTRE, ULLOOR,
THIRUVANANTHAPURAM, PIN - 695 011.

BY ADV. REMA R (SC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

Petitioner availed credit facilities from the 1st respondent bank. On default being committed proceedings have been initiated against the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (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 installments and to obtain regularization of the loan account.

3. It was submitted on behalf of the respondent bank that the petitioner committed default in repayment and the total overdue amount, as on 04-03-2025, is Rs.7,19,039/-. It was 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 installments and regularize 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 overdue amount in eight (08) installments and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan account regularized.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire overdue amount of Rs.7,19,039/- along with bank charges from the petitioner and regularize the loan account of the petitioner in the following manner:

(i) The overdue amount of Rs.7,19,039/- shall be repaid in eight (08) equated monthly installments along with any accrued interest and costs;



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(ii) The first installment shall be paid on or before 27-03-2025. The subsequent installments shall be paid on or before the last working day of the succeeding months;

(iii) Petitioner shall continue to pay the regular EMI's along with the installments as directed above;

(iv) In the event of default of any one installment, 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

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APPENDIX OF WP(C) 8359/2025

PETITIONER'S EXHIBITS

Exhibit P1

**A TRUE COPY OF NOTICE DATED 13.02.2025
ISSUED BY THE ADVOCATE COMMISSIONER IN
M.C. NO. 1497/2024 OF THE CHIEF
JUDICIAL MAGISTRATE COURT,
THIRUVANANTHAPURAM.**