

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 1<sup>ST</sup> DAY OF APRIL 2022 / 11TH CHAITHRA, 1944

WP(C) NO. 10397 OF 2022

**PETITIONER:**

SHYJU V.S.

AGED 42 YEARS

S/O.SREEDARAN, VETTIYATTILL HOUSE, CHEMBOOCHIRA P.O.,  
THRISSUR - 680 684.

BY ADV S.MUMTAZ

**RESPONDENT:**

IRINJALAKUDA TOWN CO-OPERATIVE BANK

REP. BY THE AUTHORISED OFFICER, HEAD OFFICE, TANA  
SOUTH, IRINJALAKUDA, THRISSUR - 680 121.

**OTHER PRESENT:**

DEVAPRASANTH P.J. SC FOR BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
01.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**W.P.(C) No.10397 of 2022**

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*Dated this the 1<sup>st</sup> day of April, 2022*

**JUDGMENT**

Petitioner as borrower from the respondent bank, has committed default in repayment. Consequently, proceedings have been initiated by the bank for recovery of the amounts due.

2. During the course of hearing, petitioner has confined the relief to an opportunity for repaying the outstanding amount in instalments.

3. It was submitted on behalf of the respondent bank that though the property which was put up for sale on 25.03.2022 was bid by the respondent bank and the status of the property has been converted from NPA into an NBA, respondents are still willing to offer a facility of repayment of the loan in reasonable instalments. It was further submitted that the total amount due from the petitioner is Rs.14,52,100/- .

4. I have heard Smt.Mumtaz Shamsuddin, learned counsel for the petitioner as well as Shri.Devaprasanth P.J., learned counsel for the respondent.

5. Having regard to the circumstances of the case and the situation now prevailing, apart from the submissions made as recorded above, I am of the view that the petitioner can be granted an opportunity to repay the outstanding amount in fifteen instalments.

6. Accordingly, there will be a direction to the respondent bank to accept repayment of the total amount due from the petitioner, amounting to Rs.14,52,100/- along with bank charges from the petitioner on the following conditions:

- i. The total amount due from the petitioner amounting to Rs.14,52,100/- shall be repaid in fifteen equated monthly instalments.
- ii. The first instalment shall be paid on or before 03.05.2022 and the remaining instalments shall be paid on or before the 3<sup>rd</sup> of the succeeding months.

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

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

v. If the petitioner clears the entire liability, within the time stipulated as above, respondent shall re-convey the property and return possession to the petitioner.

The writ petition is disposed of as above.

**Sd/-**

**BECHU KURIAN THOMAS  
JUDGE**

ssa/

**APPENDIX OF WP(C) 10397/2022**

**PETITIONER'S EXHIBITS**

**Exhibit P1**                      **TRUE COPY OF SALE NOTICE DATED 02/03/2022  
ISSUED BY THE RESPONDENT TO THE PETITIONER.**

**Exhibit P2**                      **TRUE COPY OF REQUEST LETTER DATED 16/03/2022  
BY THE PETITIONER TO THE RESPONDENT.**