

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 30<sup>TH</sup> DAY OF MAY 2023 / 9TH JYAISHTA, 1945

WP(C) NO. 15702 OF 2023

PETITIONER :-

MYMOONA.T.  
AGED 50 YEARS, W/O KUNHAMEED MALAYIL,  
KOTTARATHIL, VILANHIPPILAN HOUSE, KAYANA.P.O.,  
PERAMBRA, KOZHIKODE, PIN - 673526.

BY ADVS.  
S.K.ADHITHYAN  
BALAMURALI KRISHNA M.

RESPONDENTS/RESPONDENTS :-

- 1 STATE BANK OF INDIA  
REP. BY ITS AUTHORIZED OFFICER/CHIEF MANAGER,  
RETAIL ASSETS CENTRAL PROCESSING CENTRE 1 ST FLOOR,  
STATE BANK BHAVAN, MANACHIRA, KOZHIKODE, PIN - 673001
- 2 THE AUTHORIZED OFFICER/CHIEF MANAGER  
STATE BANK OF INDIA, RETAIL ASSETS CENTRAL PROCESSING  
CENTRE 1ST FLOOR, STATE BANK BHAVAN,  
MANACHIRA, KOZHIKODE, PIN - 673001

BY SMT.BINDUMOL JOSEPH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING :

C.S DIAS,J.

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WP(C) No.15702 of 2023  
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Dated this the 30<sup>th</sup> day of May, 2023

**JUDGMENT**

The writ petition is filed to direct the respondents to permit the petitioner to pay off the outstanding amount in equated monthly instalments.

2. The petitioner's case is that she and her husband had availed a vehicle loan from the 1<sup>st</sup> respondent – Bank. However, due to reasons beyond their control and the pandemic, she could not pay the EMIs on time. The 1<sup>st</sup> respondent has now initiated proceedings against the secured asset under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (in short, 'Act'). The petitioner is prepared to pay off the outstanding amount in equated monthly instalments. Hence, the writ petition.

3. Heard; Sri.S.K.Adhithyan, the learned counsel appearing for the petitioner and Smt.Bindumol Joseph, the learned counsel appearing for the respondents.

4. Smt.Bindumol Joseph, on instructions, submitted that the petitioner had availed of a loan in the year 2012, and its tenure expired in 2019. As on today, an amount of Rs.2,50,000/- is outstanding. The 1st respondent is ready to accept the outstanding amount in three instalments. The said submission is recorded.

5. Sri.S.K.Adhithyan, the learned counsel appearing for the petitioner, on the other hand, submitted that the petitioner is a divorced lady. She is making every endeavour to pay off the loan amount in ten equated monthly instalments.

6. Having considered the pleadings and materials on record and the submission made by the learned counsel appearing for the parties, to provide the petitioner one last opportunity to pay off the loan amount, I am inclined to exercise the powers of this Court under Article 226 of the Constitution of India and dispose of the writ petition.

Resultantly, I dispose of the writ petition in the following manner:

- (i) The respondent is directed to defer further coercive proceedings pursuant to Exts P1 order to enable the petitioner to pay off outstanding amount in instalments.

(ii) The petitioner is permitted to pay off the outstanding amount with future interest and cost to the 1<sup>st</sup> respondent - Bank in ten equated monthly instalments commencing from 01.07.2023.

(iii) Needless to mention, if the petitioner commits default in the condition ordered above, she will lose the benefit of this judgment and the respondents would be at liberty to proceed with recovery proceedings from the stage it presently stands.

(iv) It is made clear that, no further application for modification/extension of time shall be entertained.

Sd/-

**C.S.DIAS, JUDGE**

**SMA**

APPENDIX OF WP(C) 15702/2023

PETITIONER EXHIBITS :-

Exhibit P1

TRUE COPY OF THE ORDER DATED 22.03.2023 IN  
CMP NO.408/2023 PASSED BY THE CHIEF  
JUDICIAL MAGISTRATE, KOZHIKODE