

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 22<sup>ND</sup> DAY OF SEPTEMBER 2022 / 31ST BHADRA, 1944

WP(C) NO. 28208 OF 2022

PETITIONER :

ARUN BABU M.B.,  
AGED 32 YEARS,  
SON OF BABU M.K., MADAMBI HOUSE,  
KATTOOR P.O., THRISSUR DISTRICT,  
PIN - 680702

BY ADVS.  
N.M.MADHU  
C.S.RAJANI

RESPONDENTS :

- 1 CANARA BANK,  
IRINJALAKUDA BRANCH, IRINJALAKUDA,  
REPRESENTED BY ITS BRANCH MANAGER,  
PIN - 680 121
- 2 THE AUTHORISED OFFICER,  
CANARA BANK, IRINJALAKUDA,  
PIN - 680 121

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
22.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**W.P.(C) No.28208 of 2022**

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**Dated this the 22<sup>nd</sup> day of September, 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 overdue amount in instalments and to obtain regularisation of the loan account.

3. It was submitted on behalf of the respondent bank that the petitioner committed default in repayment and the overdue amount is Rs.11,60,000/-. 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 instalments and regularise the loan account.

4. I have heard Sri. N.M.Madhu, learned counsel for the petitioner as well as Sri.M.Gopikrishnan Nambiar, the learned Standing Counsel for the respondents.

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 overdue amount in '10' instalments and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan account regularised.

6. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire overdue amount of Rs.11,60,000/- along with bank charges from the petitioner and regularise the loan account of the petitioner on the following conditions :

- (i) The overdue amount of Rs.11,60,000/- shall be repaid in '10' equated monthly instalments.
- (ii) The first instalment shall be paid on or before 22.10.2022 and the remaining instalments on the 30<sup>th</sup> 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 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.

**BECHU KURIAN THOMAS, JUDGE**

RKM

APPENDIX OF WP(C) 28208/2022

PETITIONER'S EXHIBITS :

Exhibit P1

TRUE COPY OF THE NOTICE DATED 23.05.2022  
ISSUED BY THE SECOND RESPONDENT