

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 30TH DAY OF SEPTEMBER 2022 / 8TH ASWINA, 1944

WP(C) NO. 28810 OF 2022

PETITIONER/S:

RESHMA V.

AGED 29 YEARS

D/O.V.N.RADHAKRISHNAN, RESIDING AT RAKESH BHAVAN,
VANDANAM P.O., ALAPPUZHA - 688 005.

BY ADV S.SUJINI

RESPONDENT/S:

THE MANAGER, STATE BANK OF INDIA

ADB-BRANCH, NEAR SANTHI THEATRE, ALAPPUZHA - 688 011.

OTHER PRESENT:

SRI. JAWAHAR JOSE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of September, 2022

The petitioner availed educational loan of Rs.7,32,760/- from the respondent Bank for pursuing BDS. According to the petitioner, she repaid an amount of Rs.14,06,541/-. In spite of the payment, the Bank is demanding an amount of Rs.5,81,000/-.

2.Learned counsel for the petitioner submits that, even though petitioner had serious dispute regarding the amount demanded by the Bank, in order to give a quietus to the issue, the petitioner is willing to settle the loan under the One Time Settlement Scheme.

3.Learned Standing Counsel for the Bank submits that the amount which the petitioner claims to have repaid is not correct and as on date there is no One Time Settlement Scheme in prevalence. Learned Standing counsel also pointed out that the due amount as on 27.09.2022 is Rs.5,81,513/-

4.Considering that as the loan in question is an educational loan and the petitioner has remitted substantial amount towards the loan account and expressed the

willingness to repay the balance amount, it is only appropriate for the Bank to provide opportunity to repay the amount in installments.

The writ petition is accordingly disposed of as under;-

(i) The petitioner is permitted to remit the entire amount due, with interest and cost if any, in fifteen equated monthly instalments.

(ii) The 1st instalment shall be paid on or before 01.11.2022 and the subsequent instalments, on or before the 1th day of each succeeding month.

(iii) Default in any of the instalments will result in the benefit of this judgment being recalled and the respondent being at liberty to continue the recovery proceedings.

(iv) If the instalments are remitted without default, the revenue recovery proceedings under Ext.P6 shall be kept in abeyance.

Sd/-
V.G ARUN
JUDGE

SJ

APPENDIX OF WP(C) 28810/2022

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE STATEMENT OF ACCOUNTS ISSUED BY THE RESPONDENT BANK.
EXHIBIT P2	TRUE COPY OF THE PAY-IN-SLIP EVIDENCING PAYMENTS MADE ON 17/02/2022 AND 03/03/2022.
EXHIBIT P3	TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER'S FATHER ISSUED BY INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE, COCHIN.
EXHIBIT P4	TRUE COPY OF THE NOTICE DATED 08/08/022 ISSUED BY THE RASMEC OFFICE OF THE RESPONDENT BANK.
EXHIBIT P5	TRUE COPY OF THE LETTER ADDRESSED TO THE RESPONDENT BANK DATED 22/08/2022.
EXHIBIT P6	TRUE COPY OF THE COMMUNICATION DATED 22/08/2022 ISSUED BY THE RESPONDENT BANK.
EXHIBIT P7	TRUE COPY OF THE COMMUNICATION DATED 21/9/2022 ISSUED ON BEHALF OF THE RESPONDENT BANK