

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 22<sup>ND</sup> DAY OF DECEMBER 2021 / 1ST POUSHA, 1943

WP(C) NO. 28843 OF 2021

PETITIONERS :

- 1 MITHUN MOHAN K.V.,  
AGED 29 YEARS,  
S/O. MOHANAN.K.V., KOZHIKKODAN VEETIL,  
POST OFFICE ROAD, BALUSSERY P.O.,  
KOZHIKODE-673 612
- 2 LAKSHMI .P.,  
AGED 52 YEARS,  
W/O. MOHANAN.K.V., KOZHIKKODAN VEETIL,  
POST OFFICE ROAD, BALUSSERY P.O.,  
KOZHIKODE-673 612

BY ADV BASIL MATHEW

RESPONDENTS :

- 1 AUTHORIZED OFFICER,  
IV/470 A (OLD) W/638 A (NEW) MANAPPURAM HOUSE,  
VALAPPAD, THRISSUR, KERALA-680 567,  
REP.BY ITS AUTHORIZED OFFICER
- 2 BRANCH MANAGER,  
MANNAPPURAM HOME FINANCE LTD., MAVOOR ROAD,  
CALICUT, INTERCITY ARCADE, JAFFERKHAN COLONY ROAD,  
NEAR BHIMA JEWELLERY, MAVOOR ROAD,  
KOZHIKODE, KERALA-673 004

BY ADVS.  
C.HARIKUMAR  
SANDRA SUNNY  
ARUN KUMAR M.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
22.12.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**W.P.(C) No.28843 of 2021**

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**Dated this the 22<sup>nd</sup> day of December, 2021**

**JUDGMENT**

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

2. During the course of hearing, petitioners have 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 petitioners committed default in repayment and the overdue amount is Rs.1,40,298/-. 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.Basil Mathew, learned counsel for the petitioners as well as Sri.M.A.Arun Kumar, the learned 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 petitioners can be granted an opportunity to repay the overdue amount in '11' 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.1,40,298/- along with bank charges from the petitioners and regularise the loan account of the petitioners on the following conditions :

- (i) The overdue amount of Rs.1,40,298/- shall be repaid in '11' equated monthly instalments.
- (ii) The first instalment shall be paid on or before 22.01.2022.
- (iii) Petitioners 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 petitioners to repay the entire amounts, all coercive proceedings shall be kept in abeyance.

The writ petition is disposed of as above.

Sd/-

**BECHU KURIAN THOMAS, JUDGE**

RKM

APPENDIX OF WP(C) 28843/2021

PETITIONERS' EXHIBITS :

Exhibit P1	TRUE COPY OF THE POSSESSION CERTIFICATE DATED 17.11.2021
Exhibit P2	TRUE COPY OF THE LAND TAX RECEIPT FOR THE FY-2021-22 DATED 05.06.2021
Exhibit P3	TRUE COPY OF THE FORECLOSURE STATEMENT DATED 11.12.2021 ISSUED BY THE 1ST RESPONDENT
Exhibit P4	TRUE COPY OF THE EVICTION NOTICE SERVED BY THE ADVOCATE COMMISSIONER 8.12.2021