

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WP(C) NO. 40943 OF 2023

**PETITIONER:**

REMYA RAJ  
AGED 39 YEARS  
W/O.HARISH KUMAR T.H., THUIRUTHIYIL,  
KIDANGOOR SOUTH P.O., KOTTAYAM, REPRESENTED BY HER  
POWER OF ATTORNEY HOLDER, RAJAGOPALAN NAIR,  
AGED 71 YEARS, S/O RAMAKRISHNA PILLAI, MEKKATTU HOUSE,  
KIDANGOOR P.O., KOTTAYAM, PIN - 686572  
BY ADV K.C.VINCENT

**RESPONDENTS:**

- 1 THE INDUSIND BANK LIMITED  
GOWRI NARAYAN, 40/8200 OPPOSITE JAYALAKSHMI SILKS,  
M.G.ROAD, ERNAKULAM, REPRESENTED BY ITS  
GENERAL MANAGER, PIN - 682035
- 2 THE BRANCH MANAGER  
THE INDUSIND BANK LIMITED, REGENCY SQUARE,  
KOTTAYAM KUMILY ROAD, COLLECTORATE, KOTTAYAM,  
PIN - 686002

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
18.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner concedes that she had availed of a loan facility from the 1<sup>st</sup> respondent - Bank; but asserts that she has paid off the lion's share of it. She says that, however, the 1<sup>st</sup> respondent is now acting illegally, in refusing to grant her an One Time Settlement (OTS), though it is eligible to her; and therefore, that she has been left without any other option, but to approach this Court through this writ petition.

2. Sri.K.C.Vincent - learned counsel for the petitioner, pointed out that, even though his client has been ready and willing to pay off the entire loan amount, with eligible concessions and reductions, the 1<sup>st</sup> respondent has refused to do so; and thus are illegally holding on her title documents of the property mortgaged. He, therefore, prayed that the 1<sup>st</sup> respondent be directed to consider his client's claim and intimate to her an "OTS" offer, which she is willing to pay, so as to save her properties from distress action.

3. It is rather unfortunate that in spite of valid service of summons being completed on the respondents, they have chosen not to be present in person or to be represented through counsel. In fact, this matter was listed at least twice before, both of which days, this Court had recorded the non appearance of the said respondents. I am,

therefore, now enjoined to dispose of this writ petition in their absence.

Adverting to the specific contentions of the petitioner and since they remain uncontroverted, I dispose of this writ petition in the following manner:

(a) The petitioner will be at liberty to approach the 2<sup>nd</sup> respondent, or such other competent Authority of the 1<sup>st</sup> respondent, with an application for settlement of the loan account under any prevailing "OTS" Scheme or in such other manner; and if this is done within a period of two weeks from the date of receipt of a copy of this judgment, same shall be considered by the said Authority, after hearing her, thus culminating in an appropriate order, within a period of one month thereafter.

(b) Until such time as the afore is done and the resultant order communicated to the petitioner, all further recovery action against her shall stand deferred.

**Sd/ -**

**DEVAN RAMACHANDRAN**

**JUDGE**

**MC/18.12**

**APPENDIX OF WP(C) 40943/2023**

PETITIONER EXHIBITS

Exhibit P1

A TRUE COPY OF THE SALE DEED NO. 633 OF  
2017 OF S.R.O. KIDANGOOR, DATED 20.06.2017

Exhibit P2

A TRUE COPY OF THE RECEIPT DATED 28.02.2019  
FOR PAYMENT OF MONTHLY INSTALLMENT