

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 25<sup>TH</sup> DAY OF JUNE 2024 / 4TH ASHADHA, 1946

WP(C) NO. 11012 OF 2024

PETITIONER:

BINDHU R,  
AGED 42 YEARS, W/O PRADEEP K,  
BINDHU BHAVANAM, KAITHA VADAKKU,  
CHETTIKULANGARA P O,  
MAVELIKKARA, PIN - 690106.

BY ADVS.  
S.AMBILY  
VISHNU R.

RESPONDENT:

THE AUTHORISED OFFICER,  
MANAPPURAM HOME FINANCE LTD,  
REGD OFFICER, 5TH FLOOR VALAPPAD P O,  
THRISSUR, PIN - 680567.

BY ADVS.  
C.HARIKUMAR  
SANDRA SUNNY  
ARUN KUMAR M.A  
VIMAL DEV P.V.  
FARAH JYOTHI PRADEEP  
RAJU M.C.  
ANTO VINU YESUDASAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 25.06.2024, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

## **J U D G M E N T**

Dated this the 25<sup>th</sup> day of June, 2024

The petitioner, who has availed a loan of ₹6,73,452 in the year 2021, has approached this Court seeking to direct the respondent to permit the petitioner to regularise the loan account by paying the overdue amount in reasonable instalments.

2. It is evident from the pleadings that when the petitioner committed default in making repayment, the respondent initiated proceedings invoking the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and issued Ext.P1 demand notice for an amount of ₹7,08,424/-. It is at this stage that the petitioner has approached this Court.

3. During the pendency of the writ petition, this Court passed various interim orders directing the petitioner to make certain remittances which were made by the petitioner.

4. Standing Counsel representing the respondent submits that the total outstanding amount payable by the petitioner as on 25.06.2024 is ₹4,90,393/-. However, if the petitioner remits the overdue amount of ₹28,059/- on or before 15.07.2024, the question of regularisation of the loan account can be considered.

5. I have heard the learned Counsel for the petitioner and the learned Standing Counsel representing the respondent.

6. Taking into consideration the fact that what is availed by the petitioner is a Housing Loan / Mortgage Loan, it would be only appropriate that the petitioner is permitted to clear the overdue amount in order to regularise the loan

W.P. (C) No.11012 of 2024

:4:

account.

Accordingly, the writ petition is disposed of directing that if the petitioner remits the balance overdue amount of ₹28,059/- on or before 15.07.2024, then the respondent shall regularise the loan account of the petitioner.

Sd/-  
**N. NAGARESH**  
**JUDGE**

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W.P. (C) No. 11012 of 2024

:5:

APPENDIX OF WP(C) 11012/2024

**PETITIONER'S EXHIBITS**

<b>Exhibit P1</b>	TRUE COPY OF THE POSSESSION ISSUED BY THE RESPONDENT DATED 10.7.2023
<b>Exhibit P2</b>	TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT DATED 20.12.2023 TO THE PETITIONER'S HUSBAND
<b>Exhibit P3</b>	TRUE COPY OF THE RELEVANT PAGE DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE RESPONDENT
<b>Exhibit P4</b>	TRUE COPY OF THE MASTER DIRECTIONS 2021 ISSUED BY THE RESERVE BANK OF INDIA DATED 17.02.2021
<b>Annexure 1</b>	COPY OF THE LOAN AGREEMENT DATED 28.12.2020 EXECUTED BY THE PETITIONER