2024:KER:70668

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

MONDAY, THE 23<sup>RD</sup> DAY OF SEPTEMBER 2024 / 1ST ASWINA, 1946

**WP(C) NO. 30869 OF 2024**

PETITIONER:

      ANJU K ABDULLA
      AGED 36 YEARS
      W/O SHAMEER MON B, UNICHERIL THEKKEMURI, V
      ALLIKUNNAM P.O, ALAPPUZHA DISTRICT, KERALA, PIN –
      690501

      BY ADVS.
      S.SAMEER
      AMANI R.S.

RESPONDENTS:

    1     FEDERAL BANK LTD
        FEDERAL BANK LTD CORPORATE OFFICE, FEDERAL TOWERS,
        MARKET ROAD, ALUVA, ERNAKULAM DISTRICT, KERALA
        REPRESENTED BY ITS MANAGING DIRECTOR, PIN – 683101

    2     THE BRANCH MANAGER
        FEDERAL BANK KAMBISSERY BRANCH, GROUND FLOOR,
        RAJADHANI COMPLEX, KAMBISSERY, VALLIKUNNAM,
        ALAPPUZHA DISTRICT, KERALA, PIN – 690501

    3     THE AUTHORISED OFFICER
        FEDERAL BANK LCRD MAVELIKKARA DIVISION, 1ST FLOOR,
        PADINJARETHALACKAL CHERIYAN CHAMBERS, PUTHIYACAVU,
        MAVELIKKARA, ALAPPUZHA DISTRICT, KERALA, PIN –
        690101

      BY ADVS.
      Sunil Shankar A
      VIDYA GANGADHARAN(K/000424/2020)
      JERIN GEORGE(K/863/2023)

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      **THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.09.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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## JUDGMENT

The present writ petition has been filed for the following

prayers:

> "A. Call for the records relating to Exbt-P1, Exbt-P2
> and Exbt-P3 from the respondents.
> B. Quash exhibits P1 and P3 by issuing a Writ of
> certiorari or any other appropriate writ, order or
> direction.
> C. To issue a writ of mandamus or any other
> appropriate writ order or direction directing the
> respondents to allow the petitioner to pay the
> outstanding dues in installments and to regularize the
> loan account, along with regular EMI's.
> D. To grant such other and further reliefs as are just,
> proper and necessary in the facts and circumstance to
> the case.
> E. Such other relief's which is deemed to be fit and
> proper to this Hon'ble Court in the facts and
> circumstance of the case."

2.      In compliance of the interim order dated 03.09.2024,

the petitioner has remitted an amount of Rs.10 lakhs to the Bank

and as of today, the balance overdue amount is Rs.3.5 lakhs.

3.      The learned counsel for the respondent Bank submits

that the petitioner's loan account can be regularised if the

petitioner makes the payment of the balance overdue amount

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along with regular installments in a few installments, as this Court may fix.

Considering the said stand of the learned counsel for the respondent Bank, the present writ petition is disposed of with following directions:

1. The petitioner shall pay the balance overdue amount in three equal monthly installments along with regular installments. The 1$^{st}$ installment is to be paid on or before 15.10.2024 and the remaining two installments to be paid on or before 15$^{th}$ day of each succeeding month.

2. After making payment of entire overdue amount along with regular installments, the Bank shall regularise the loan account of the petitioner for making payment of regular installment as per the terms of the loan agreement.

3. In case of failure to make payment of 1$^{st}$ installment or any subsequent installments as directed above, the respondent Bank shall be free to proceed with the SARFAESI proceedings against the petitioner to realize its dues, in accordance with law.

                                        **Sd/-DINESH KUMAR SINGH**
                                                **JUDGE**

lsn

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**APPENDIX OF WP(C) 30869/2024**

**PETITIONER EXHIBITS**

Exhibit P1            A TRUE COPY OF THE DEMAND NOTICE UNDER
                      SECTION 13(2) OF THE ACT, 2002, DATED
                      10/05/2023 ISSUED BY THE 3RD RESPONDENT
                      TO THE PETITIONER

Exhibit P2            A TRUE COPY OF THE DEMAND NOTICE, DATED
                      06/05/2024, FROM THE ADVOCATE
                      COMMISSIONER APPOINTED BY THE CHIEF
                      JUDICIAL MAGISTRATE COURT, ALAPPUZHA IN
                      MC NO. 264/2024

Exhibit P3            A TRUE COPY OF THE SALE NOTICE DATED
                      09/08/2024 ISSUED BY THE 3RD RESPONDENT

Exhibit P4            A TRUE COPY OF THE REQUEST LETTER ISSUED
                      BY THE PETITIONER TO THE 2ND RESPONDENT,
                      DATED 12/08/2024

Exhibit P5            A TRUE COPY OF THE PETITIONER'S STATEMENT
                      OF ACCOUNT FOR THE PERIOD FROM 01/04/2022
                      TO 13/08/2024, ISSUED BY THE 2ND
                      RESPONDENT BRANCH, DATED 13/08/2024

**RESPONDENTS EXHIBITS: NIL**

                                                **TRUE COPY**

                                                **P.A TO JUDGE**

**LSN**