



WP(C)No. 36801 OF 2024

2024:KER:83548

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

WEDNESDAY, THE 6TH DAY OF NOVEMBER 2024/15TH KARTHIKA, 1946

WP(C) NO. 36801 OF 2024

PETITIONER:

BINDHULEKHA,
AGED 40 YEARS, D/O. SAROJINI AMMA,
DEEPU BHAVAN, ANDOORKONAM, KARAKONAM P.O,
KUNNATHUKAL, THIRUVANANTHAPURAM, PIN - 695504.

BY ADVS.
VISHNU BHUVANENDRAN
B.ANUSREE
VARUN JACOB
MYZA ALAN JOSE

RESPONDENT:

KERALA STATE CO-OPERATIVE BANK LTD.,
KUNNATHUKAL BRANCH, KP 12/346(D), AKSHARA,
KARAKKONAM P.O, THIRUVANANTHAPURAM, REPRESENTED
BY ITS AUTHORIZED OFFICER, PIN - 695504.

BY ADV. THOMAS ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.11.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



WP (C) No. 36801 OF 2024

2024:KER:83548

D. K. SINGH, J.

W.P.(C) No. 36801 of 2024

Dated this the 6th day of November, 2024

JUDGMENT

1. The present writ petition has been filed for the following reliefs;

i) Issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondent to give extension of time and regularize the loan account and provide installment facility to the petitioner to pay the loan arrears.

ii) Issue a writ of mandamus directing the respondent not to proceed with possession or sale of the property in question belonging to the petitioner as per exhibit P1 Notice.

iii) Issue a writ of mandamus directing the respondent to re-calculate the loan account of the petitioner afresh after excluding default interest, penal interest and other exorbitant rates of interest.

And

iv) To issue such other reliefs as this Honourable Court may deem fit and proper in the facts and circumstances of this case.

2. The petitioner had availed a mortgage loan from the respondent Bank for an amount of Rs. 6,00,000/- in the year 2017



WP (C) No. 36801 OF 2024

2024:KER:83548

which is to be repaid in equal monthly installments over a period of seven years. The petitioner had failed to discharge the loan liability in terms of the loan agreement and resultantly the loan account of the petitioner turned NPA and the respondent Bank has proceeded further against the petitioner under the provisions of the SARFAESI Act and the Rules made thereunder to realize its outstanding dues.

3. The learned Counsel for the respondent Bank on instructions submits that, as of today, the total outstanding liability of the petitioner in respect of the loan is Rs. 11,83,170/- and the overdue amount is Rs. 8,68,497/-.

4. The learned Counsel for the petitioner submits that, in compliance of the interim order dated 21.10.2024, the petitioner had already paid an amount of Rs. 1,00,000/-.

5. Considering the aforesaid submission, the present writ petition is disposed of on the following terms;

(i) The petitioners shall pay the entire overdue amount along with regular installments in ten equal monthly installments.

(ii) The first installment is to be paid on or before 25.11.2024 and the remaining nine



WP (C) No. 36801 OF 2024

2024:KER:83548

installments on or before the twenty fifth day of each succeeding month.

(iii) In case of failure to make payment of any of the installments as directed above, the respondent Bank shall be free to proceed further against the petitioners in accordance with the law to realise its outstanding dues.

The petitioner may also approach the Bank for one time settlement/restructuring the loan/rescheduling the payment terms.

Sd/-

D. K. SINGH
JUDGE

Svn



WP(C)No. 36801 OF 2024

2024:KER:83548

APPENDIX OF WP(C) 36801/2024

PETITIONER'S EXHIBITS

**EXHIBIT P1 TRUE COPY OF THE ADVOCATE COMMISSIONER NOTICE
DATED 05.10.2024 ISSUED TO THE PETITIONER.**