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Abdul Rahim, vs the Authorized Officer/Chief Manager, the South Indian Bank Ltd.,

Abdul Rahim, vs the Authorized Officer/Chief Manager, the South Indian Bank Ltd.,

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Court : Kerala

Decided On : Mar-28-2025

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/6102/2025

Appellant : Abdul Rahim,

Respondent : The Authorized Officer/Chief Manager, the South Indian Bank Ltd.,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947 PETITIONERS: 1 ABDUL RAHIM, AGED 72 YEARS S/O. AMEER KANNU RAWTHER, RESIDING AT R.K MANZIL, VAYALA P.O, PARAKODE, EZHAMKULAM, PATHANAMTHITTA, PIN - 691554 2 SHIBILA RAHEEM, AGED 67 YEARS W/O. ABDUL RAHIM, RESIDING AT R.K MANZIL, VAYALA P.O, PARAKODE, EZHAMKULAM, PATHANAMTHITTA, PIN - BY ADVS. T.MADHU ROY THOMAS (PATHANAMTHITTA) C.R.SARADAMANI RENJISH S. MENON

ALEENA JOSE KARTHIK KRISHNA M. AVANTHIKA R. RESPONDENTS:

1 THE AUTHORIZED OFFICER/CHIEF MANAGER, THE SOUTH INDIAN BANK LTD., REGIONAL OFFICE THIRUVALLAI, IIND FLOOR,T.M.J COMPLEX, M C ROAD, RAMANCHIRA, MUTHOOR P.O, THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN - 689107 2 THE MANAGER, THE SOUTH INDIAN BANK LTD., PARAKODE BRANCH, EMSON COMPLEX, M P ROAD, PARAKODE P.O, EZHAMKULAM, PATHANAMTHITTA, PIN - 691554 BY ADV P.A.AUGUSTINE AREEKATTEL THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners have approached this Court challenging the proceedings initiated against the petitioners under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for recovery of the amounts due under credit facilities availed by the petitioners from the respondent bank.

2. On 14.02.2025, after hearing the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent bank, this Court passed the following order:

> Learned counsel appearing for the respondent bank submits that the loan account, which is the subject matter of the writ petition, is an overdraft facility and cannot be regularized. It is submitted that, the outstanding amount, as on 13.02.2025 is Rs.33,12,572/-. It is submitted that, if the petitioners were to pay a sum of Rs.5,00,000/- on or before 28.02.2025 and a further sum of Rs.5,00,000/- Rupees Five lakhs only) on or before 28.03.2025, further proceedings can be kept in abeyance.

2. Taking into consideration the above submission,

there will be an interim order directing that proceedings against the petitioners shall be kept in abeyance provided the petitioners pay a sum of Rs.5,00,000/- (Rupees Five lakhs only) on or before 28.02.2025 and a further sum of Rs.5,00,000/- (Rupees Five lakhs only) on or before 28.03.2025.

3. When the matter is taken up for consideration today,

it is the submission of the learned counsel appearing for the respondent bank that the petitioners have not complied with the conditions imposed in the interim order dated 14.02.2025. This Court exercises limited jurisdiction in matters arising under SARFAESI Act and where the borrowers have not complied with the conditions imposed while granting interim orders, the petitioners are not entitled to any further relief in the exercise of jurisdiction under Article 226 of the Constitution of India. The writ petition fails and it is accordingly dismissed. Sd/- GOPINATH P. JUDGE STB APPENDIX OF WP(C) 6102/2025 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE POSSESSION NOTICE DATED 05.02.2025 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS

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