

Ibrahim, vs Authorised Officer,

Ibrahim, vs Authorised Officer,

SooperKanoon Citation : sooperkanoon.com/1280049

Court : Kerala

Decided On : Apr-01-2025

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/12589/2025

Appellant : Ibrahim,

Respondent : Authorised Officer,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 1ST DAY OF APRIL 2025 / 11TH CHAITHRA, 1947
WP(C) NO. 12589 OF 2025 PETITIONER: IBRAHIM, AGED 55 YEARS,
S/O MUHAMMED MATTUMALL, MUDIKKODE, CHERAYANKAD,
PANDALLUR P.O, MALAPPURAM, KERALA, PIN - 676 521. BY ADVS.
KRISHNENDHU V.B HARIKRISHNAN V.A RESPONDENTS: 1
AUTHORISED OFFICER, THE URBAN COOPERATIVE BANK LTD,
PATTAMBI ROAD, PERINTHALMANNA P.O, MALAPPURAM
DISTRICT, KERALA, PIN - 679 322. 2 THE SECRETARY , THE URBAN
COOPERATIVE BANK LTD NO. 1758, PATTAMBI ROAD,
PERINTHALMANNA P.O, MALAPPURAM DISTRICT, KERALA, PIN -

679 322. BY ADVS. JAYASREE K.P. (SC) JOHN JOSEPH THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) 12589/2025 2

JUDGMENT

Petitioner availed a cash credit facility from the respondent bank. On default being committed proceedings have been initiated against the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), prompting the petitioner to approach this Court by filing the above writ petition.

2. During the course of hearing, petitioner has confined the relief to an opportunity for repaying the outstanding amount in installments.

3. It is submitted on behalf of the respondent bank

that the petitioner committed default in repayment and the outstanding amount, as on 01-04-2025, is Rs.4,19,041/-. It is further submitted that though proceedings for recovery have been initiated, as a matter of indulgence, the respondent bank is willing to accept repayment of the outstanding amount in limited installments.

WP(C) 12589/2025 3

4. Having regard to the circumstances of the case and the submissions made as recorded above, I am of the view that the petitioner can be granted an opportunity to repay the outstanding amount in 10 installments.

5. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire outstanding amount of Rs.4,19,041/- along with any accrued interest, cost and bank charges from the petitioner in the following manner:

(i) The petitioner shall pay the outstanding amount of Rs.4,19,041/- together with any accrued interest, cost and bank charges in 10 equated monthly installments;

(ii) The first installment shall be paid on or before 30-04-2025. The subsequent installments shall be paid on or before the last working day of the succeeding months;

(iii) In the event of default of any one installment, the respondent bank shall be entitled to proceed in accordance with the law; WP(C) 12589/2025 4

(iv) In order to enable the petitioner to repay the entire

amounts, all coercive proceedings shall be kept in abeyance. The writ petition is disposed of as above. Sd/- GOPINATH P. JUDGE ats WP(C) 12589/2025 5
APPENDIX OF WP(C) 12589/2025 PETITIONERS EXHIBITS Exhibit P1 THE
TRUE COPY OF THE SALE NOTICE DATED 10.03.2025

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com