

Sumitha, vs the Authorized Officer/Chief Manager,

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SooperKanoon Citation : sooperkanoon.com/1280594

Court : Kerala

Decided On : Apr-08-2025

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/13265/2025

Appellant : Sumitha,

Respondent : The Authorized Officer/Chief Manager,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947
WP(C) NO. 13265 OF 2025 PETITIONER: SUMITHA, AGED 37 YEARS,
D/O. RAJESH KUMAR RAJAN, THYKKOOTTATHIL,
CHERIAZHEEKKAL P.O, ALAPPADU VILLAGE, KARUNAGAPPALLY
TALUK, KOLLAM DISTRICT, PIN - 690 573. BY ADVS. BINU GEORGE
HEMALATHA AVANI P.S. RESPONDENTS:

1 THE AUTHORIZED OFFICER/CHIEF MANAGER, UNION BANK OF
INDIA, ALAPPAD BRANCH, SSV KARAYOGAM BUILDING,
CHERIAZHEEKKAL.P.O, KARUNAGAPPALLY, KOLLAM, PIN - 690

573. 2 THE BRANCH MANAGER, UNION BANK OF INDIA, ALAPPAD BRANCH, SSV KARAYOGAM BUILDING, CHERIAZHEEKKAL.P.O, KARUNAGAPPALLY, KOLLAM, PIN - 690 573. BY ADVS. ASP.KURUP (SC) SADCHITH.P.KURUP(K/1419/2002) C.P.ANIL RAJ(K/872/2007) SIVA SURESH(K/2688/2022) B.SREEDEVI(K/169/2024) ATHIRA VIJAYAN(K/199/2024)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) 13265/2025 2

JUDGMENT

Petitioner along with her husband availed a housing

loan 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 overdue amount in installments and to obtain regularization of the loan account.

3. It is submitted on behalf of the respondent bank that the petitioner committed default in repayment and the

overdue amount, as on 08-04-2025, is Rs.83,155/-. 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 WP(C) 13265/2025 3 overdue amount in limited installments and regularize the loan account.

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 overdue amount in five (05) installments and thereafter, if the amount

so directed is repaid within the time as directed above, to have the loan account regularized.

5. Accordingly, there will be a direction to the

respondent bank to accept repayment of the entire overdue amount of Rs.83,155/- along with any accrued interest, costs and charges from the petitioner and regularize the loan account of the petitioner in the following manner:

(i) The petitioner shall pay the overdue amount of Rs.83,155/- in five (05) equated monthly installments along with any accrued interest, costs and charges; WP(C) 13265/2025 4

(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) Petitioner shall continue to pay the regular EMIs/installments along with the installments as directed above;

(iv) In the event of default of any one installment, the respondent bank shall be entitled to proceed in accordance with the law;

(v) 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) 13265/2025 5
APPENDIX OF WP(C) 13265/2025 PETITIONERS EXHIBITS Exhibit P1 A TRUE COPY OF NOTICE DATED 22.11.2024 UNDER SECTION 13(2) OF THE SECURITY INTEREST (ENFORCEMENT) RULES 2002 ISSUED BY THE RESPONDENT BANK Exhibit P2 A TRUE COPY OF POSSESSION NOTICE DATED 20.02.2025 ISSUED BY THE RESPONDENT BANK Exhibit P3 A TRUE COPY OF NOTICE DATED 04.03.2025 UNDER RULE 6(2)/8(6) OF THE SECURITY INTEREST(ENFORCEMENT) RULES