

Sajeena vs the Branch Manager

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SooperKanoon Citation : sooperkanoon.com/1313034

Court : Kerala

Decided On : Mar-01-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/8157/2024

Appellant : Sajeena

Respondent : The Branch Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH FRIDAY,
THE 1ST DAY OF MARCH 2024 / 11TH PHALGUNA, 1945 WP(C) NO.
8157 OF 2024 AGAINST THE ORDER/JUDGMENT DATED IN MC
NO.786 OF 2023 OF CHIEF JUDICIAL MAGISTRATE, KOLLAM
PETITIONERS: 1 SAJEENA AGED 46 YEARS RESIDING AT
KOCHUKONATHU MELATHIL VEEDU,VATTAPPARA, CHERIYA
VELINALLOOOR P O, ROAD VILA, KOLLAM, PIN 691516. 2 ABDUL
SAMAD AGED 70 YEARS RESIDING AT KOCHUKONATHU MELATHIL
VEEDU,VATTAPPARA, CHERIYA VELINALLOOOR P O, ROAD VILA,
KOLLAM, PIN - 691516. BY ADVS. B.DIPU SACH DEEV ARUN BABU
ANEESHRAJ R. RESPONDENTS: 1 THE BRANCH MANAGER

FEDERAL BANK, FEDERAL BANK LTD NO. 103039, OYOOR BRANCH, OYOOR,P O, KOLLAM, PIN - 691510. 2 THE AUTHORISED OFFICER THE FEDERAL BANK LTD, LCRD/THIRUVANADHAPURAM DIVISION, 4TH FLOOR, FEDERAL TOWERS STATUE, STATUE P O, THIRUVANANTHAPURAM, PIN - 695001.

:2: 3 FEDERAL BANK, HEAD OFFICE FEDERAL TOWERS, MARKET ROAD, PERIYAR NAGAR,ALUVA, ERNAKULAM, PIN - 683101. BY ADV.SRI.P.PAULCHAN ANTONY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :3:

JUDGMENT

Dated this the 1st day of March, 2024 The petitioners, who have availed financial advance from the Federal Bank Limited, have approached this Court seeking the following reliefs:-

- i) Writ in the nature of mandamus commanding the respondents to stop all proceedings pursuant to Ext.P4 notice issued as per the direction of respondents 1 and 2 in loan account No.10845500366030 on the file of the Federal Bank, Oyoor Branch, Oyoor P.O., Kollam. ii) Writ in the nature of mandamus commanding the respondent-bank to grant some reasonable time to clear the current defaulted instalments and further direct the Bank to regularise the loan. iii) Writ in the nature of mandamus commanding the respondent-Bank to permit the petitioners to pay back the existing defaulted instalments as may be determined by the Court and permit the petitioners to pay the remaining instalments as scheduled. iv) Such other reliefs that the Hon'ble Court deem fit and proper in the facts and circumstances of the case

:4:

2. Standing Counsel vehemently resisted the writ

petition pointing out that the petitioners have approached this Court earlier filing W.P.(C) No.7247 of 2023 and the petitioners have not adhered to the directions contained therein.

3. I have heard the learned Counsel for the petitioners and the learned Standing Counsel representing the respondents.

4. Standing Counsel would submit that the total

outstanding payable by the petitioners would be around 26 lakhs. Counsel for the petitioners states that they are ready to make a proposal for One Time Settlement provided the respondents give permissible relaxation in interest and penal interest. Taking into consideration the above fact, the writ petition is disposed of directing that if the petitioners remit :5: an amount of 6 lakhs on or before 02.03.2024 and make a concrete proposal for One Time Settlement indicating the settlement amount and timeline for payment, within a period of two weeks from today, then the respondents shall defer coercive proceedings, if any, till the Bank takes a decision on the One Time Settlement proposal. If the petitioners fail to pay the amount of 6 lakhs or if the petitioners fail to make a One Time Settlement proposal within two weeks, the respondents will be at liberty to proceed against the petitioners in accordance with law. Sd/- N. NAGARESH JUDGE ams :6:
APPENDIX OF WP(C) 8157/2024 PETITIONERS' EXHIBITS Exhibit P1 THE COPY OF THE PETITION IN W.P.(C) NO.7247 OF 2023 DATED 25-02-2023 Exhibit P2 THE COPY OF THE INTERIM ORDER IN W.P.(C) NO.7247 OF 2023 DATED 12-04-2023 Exhibit P3 THE COPY OF THE JUDGMENT IN W.P.(C) NO.7247 OF 2023 DATED 07-07-2023 Exhibit P4 THE COPY OF THE NOTICE DATED 13-02-2024 ISSUED BY THE ADVOCATE COMMISSIONER Exhibit P5 THE COPY OF THE REPRESENTATION DATED 27.08.2024 Exhibit P6 THE COPY OF THE JUDGMENT IN W.P.(C) NO.33719 OF 2022 DATED 26.10.2022 OF THE HON"BLE KERALA HIGHCOURT