

**Ambika N. vs the Branch Manager,**

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**SooperKanoon Citation : [sooperkanoon.com/1336142](https://sooperkanoon.com/1336142)**

**Court : Kerala**

**Decided On : Oct-11-2023**

**Judge : Honourable Mr.Justice K. Babu**

**Appeal No. : WP(C)/3617/2023**

**Appellant : Ambika N.**

**Respondent : The Branch Manager,**

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU WEDNESDAY,  
THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945  
PETITIONER: AMBIKA N. AGED 51 YEARS W/O.MURUKAN R. ACHU  
BHAVAN, VEILOOR, SASTHAVATTOM P.O.,  
THIRUVANANTHAPURAM., PIN - 695305 BY ADVS. B.KRISHNA MANI  
N.V.SANDHYA DHANUJA M.S RESPONDENTS: 1 THE BRANCH  
MANAGER, KERALA BANK, (FORMERLY KERALA STATE CO-  
OPERATIVE, BANK LTD.) MANGALAPURAM BRANCH,  
THIRUVANANTHAPURAM, PIN - 695317 2 THE AUTHORIZED  
OFFICER, KERALA BANK, (KERALA STATE CO-OPERATIVE BANK  
LTD.,) REGIONAL OFFICE, PRAVIN TOWERS, BAKERY JUNCTION,

THIRUVANANTHAPURAM, PIN - 695033 BY ADV THOMAS ABRAHAM  
OTHER PRESENT: Thomas Abraham, sc THIS WRIT PETITION (CIVIL)  
HAVING COME UP FOR ADMISSION ON 11.10.2023, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:

**K.BABU, J.**

----- WP(C).No.3617 of 2023  
----- Dated this the 11th day of October, 2023

## **JUDGMENT**

The reliefs prayed for in this Writ Petition are as follows:- (i) Issue a writ of mandamus or any other appropriate regularize the loan amount.

(ii) Declare that the proceedings leading to taking possession of the secured asset borne out in terms of Ext.P4 has illegal, unjust and unconstitutional.

(iii) Issue a writ of certiorari or any other appropriate writ, direction or order quashing all the proceedings pertaining to the taking of possession of the property given as security borne out in terms of Ext.P4.

(iv) Issue a writ of mandamus or any other appropriate

quantify the amounts if any due and further direct the respondents to determine the quantum of property that is required that is required to meet the claim if any;

(v) Issue a writ of mandamus or any other appropriate

regularize the loan account and further direct the respondent to grant all facilities and concessions as enjoined under law including those available during the period of the pandemic, Covid-19;

(vi) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondent not to initiate any coercive steps in respect of the loan account pursuant to Ext.P4.

(vii) Petitioner also prays that this Hon'ble court may be pleased to dispense with the translation of the documents produced in the vernacular language. (viii) Award costs and

(ix) Any other relief this Hon'ble Court may deems fit.

2. Heard both sides.

3. Upon instructions, the learned Standing Counsel for

the respondent Bank submitted that the total amount due to the bank is Rs.11,07,562/- as on today. The Bank is agreeable to permit the petitioner to remit the amount in twelve equal monthly instalments. In the above circumstances, the Writ Petition is disposed of with the following directions:-

(i) The petitioner shall remit the total amount of Rs.11,07,562/- together with any accrued interest and charges in twelve equal monthly instalments.

(ii) The first instalment shall be paid on or before 11.11.2023 and the subsequent instalments shall be paid on the last working day of every succeeding month.

(iii) The respondent Bank shall accept the loan amount from the petitioner as stated above.

(iv) In the event of default of payment of any one instalment, the respondent Bank is entitled to proceed in accordance with law.

(v) The proceedings initiated under the SARFAESI Act

against the petitioner shall be kept in abeyance to facilitate repayment as stated above. Sd/- K.BABU, JUDGE  
saap APPENDIX OF WP(C) 3617/2023  
PETITIONER EXHIBITS Exhibit-P1 A TRUE COPY OF THE RELEVANT PORTION OF THE PASS BOOK Exhibit-P2 A TRUE COPY OF THE NOTICE DATED 21/11/2020 ISSUED BY THE BRANCH MANAGER, THE KERALA STATE CO-OPERATIVE BANK LTD Exhibit-P3 A TRUE COPY OF THE NOTICE DATED 8/10/2021 Exhibit-P4 A TRUE COPY OF THE PHOTOGRAPH //True copy//PA to Judge

