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Abdul Aziz vs the Manager

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/1303/2022

Appellant : Abdul Aziz

Respondent : The Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943 PETITIONER : ABDUL AZIZ, AGED 53 YEARS, S/O.HASSAN, PIRAMBILLYKUDI HOUSE, CHELAKULAM KARA, PATTIMATTOM VILLAGE, VENGOLA P.O., KUNNATHUNADU TALUK, ERNAKULAM - 683 544. BY ADV SIRAJ KAROLY RESPONDENTS : 1 THE MANAGER, UNION BANK OF INDIA, ARAKKAPADI BRANCH, P.O.VENGOLA, PERUMBAVOOR - 683 556. 2 THE MANAGER, UNION BANK OF INDIA, A M ROAD, PERUMBAVOOR - 683 542. 3 ASSISTANT GENERAL MANAGER AND AUTHORISED OFFICER, UNION BANK OF INDIA, REGIONAL OFFICE, 35/3078 J & J1, II

FLOOR, PUKALAKATT BUILDING, THAMMANAM ROAD, PALARIVATTOM, KOCHI - 682 025. BY SRI.A.S.P.KURUP, SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

W.P.(C) No.1303 of 2022 Dated this the 31st day of January, 2022

JUDGMENT

Petitioner as borrower from the respondent bank has committed default in repayment. Consequently, proceedings have been initiated by the bank for recovery of the amounts due.

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

3. It was submitted on behalf of the respondent bank that the

petitioner committed default in repayment and the total outstanding amount is Rs.17,50,000/-. It was 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 instalments.

4. I have heard Sri.Siraj Karoly, the learned counsel for the petitioner as well as Sri.A.S.P.Kurup, the learned Standing Counsel for the respondents.

5. Having regard to the circumstances of the case and the

situation now prevailing, apart from 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 '15' instalments.

6. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire outstanding amount of Rs.17,50,000/- along with bank

charges from the petitioner on the following conditions:

(i) The outstanding amount of Rs.17,50,000/- shall be repaid in '15' equated monthly instalments.

(ii) The first instalment shall be paid on or before 28.02.2022.

(iii) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with law.

(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/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF WP(C) 1303/2022 PETITIONER'S EXHIBITS : Exhibit P1 TRUE COPY OF THE NOTICE DATED 23/6/2021 ISSUED BY THE 3RD RESPONDENT UNDER THE SARFAESI ACT 2002. Exhibit P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 15/12/2021 BEFORE THE 1ST AND 3RD RESPONDENTS.

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