

**Deepu vs the Authorised Officer**

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**SooperKanoon Citation :** [sooperkanoon.com/1444409](http://sooperkanoon.com/1444409)

**Court :** Kerala

**Decided On :** Mar-31-2022

**Judge :** Honourable Mr. Justice Bechu Kurian Thomas

**Appeal No. :** WP(C)/1602/2021

**Appellant :** DEEPU

**Respondent :** The Authorised Officer

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA, 1944 PETITIONER: DEEPU, AGED 58 YEARS S/O SREEDHARAN, PAZHAVILA PUTHANA (H), KADACHIRA, PERINAD P O, KOLLAM DISTRICT-691 601. BY ADV G.VIDYA RESPONDENT: THE AUTHORISED OFFICER KOLLAM CO-OPERATIVE URBAN BANK LTD. NO.960, KOLLAM-691001. BY ADV SMT.D.P.RENU THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BECHU KURIAN THOMAS, J .....  
W.P.(C) No.1602 of 2021 ..... Dated this the 31 st day

of March, 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 the 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 outstanding amount is Rs.60,38,389/-. 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 Smt.Vidya.G., the learned counsel for the petitioner as well as Smt.D.P.Renu, the learned Standing Counsel for the respondent.

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.60,38,389/- along with bank charges from the petitioner on the following conditions: (i). The outstanding amount of Rs.60,38,389 /- shall be repaid in '15' equated monthly instalments. (ii). The first instalment shall be paid on or before 30.04.2022 and the remaining instalments shall be paid on or before the 30th day of every succeeding month. (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 against the petitioner shall be kept in abeyance. The writ petition is disposed of. sd/- BECHU KURIAN THOMAS JUDGE AMV/31/03//2022 APPENDIX OF WP(C) 1602/2021 PETITIONER EXHIBITS EXHIBIT P1 THE TRUE COPY OF ORDER IN MC NO. EXHIBIT P2 TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 12.10.2019. RESPONDENTS EXHIBITS : NIL TRUE COPY

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