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Najeeb vs the Authorised Officer

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Court : Kerala

Decided On : Jan-28-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/2976/2022

Appellant : Najeeb

Respondent : The Authorised Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2976 OF 2022 PETITIONER: NAJEEB AGED 48 YEARS, S/O.ABOOBECKER KUNJU, KAVARATTU PADEETTATHIL, KRISHNAPURAM P.O., BY ADVS. SRI.M.R.SASITH SRI.M.R.SARIN ADV.R.K.CHIRUTHA SMT.NEELANJANA NAIR SRI.RANJITH E N SMT.RAJITHA V.K SMT.PREETI S. SMT.BHAVANA K.K RESPONDENT: THE AUTHORISED OFFICER M/S.SUNDARAM BNP PARIBAS HOME FINANCE LIMITED, SUNDARAM TOWERS, FORTH FLOOR, NO.46, WHITES ROAD, CHENNAI, BRANCH OFFICE AT 2ND FLOOR, CENTRE POINT,K.P.ROAD, ADV.VARGHESE C. KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

BECHU KURIAN THOMAS, J.

W.P.(C) No.2976 of 2022 Dated this the 28th 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 overdue amount in instalments and to obtain regularisation of the loan account.

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

petitioner committed default in repayment and the overdue amount is Rs.33,69,761/-. 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 overdue amount in limited instalments and regularise the loan account.

4. I have heard Sri.Sasith Panicker, the learned counsel for the petitioner as well as Sri.Varghese C.Kuriakose, the learned counsel for the respondent.

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

situation now prevailing, apart from the submissions made as -:3:- recorded above, I am of the view that the petitioner can be granted an opportunity to repay the overdue amount in twelve instalments and thereafter, if the amount so directed is repaid within the time as directed above, to have the loan account regularised.

6. Accordingly, there will be a direction to the respondent bank

to accept repayment of the entire overdue amount of Rs.33,69,761/- along with bank charges from the petitioner and regularise the loan account of the petitioner on the following conditions:

(i) The overdue amount of Rs.33,69,761/- shall be repaid in twelve equated monthly instalments.

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

(iii) Petitioner shall continue to pay the regular EMIs along with the instalments directed above.

(iv) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with 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/- BECHU KURIAN THOMAS JUDGE vps -:4:- APPENDIX OF WP(C) 2976/2022 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE JUDGMENT IN WPC NO.16658 /2015. EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN WPC NO.23270/2016. EXHIBIT P3 TRUE COPY OF THE JUDGMENT IN WA NO.1466/2016. EXHIBIT P4 TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSION.

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