

Athikka vs the Banking Ombudsman

Athikka vs the Banking Ombudsman

SooperKanoon Citation : sooperkanoon.com/1682353

Court : Kerala

Decided On : Oct-01-2021

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/20664/2021

Appellant : Athikka

Respondent : The Banking Ombudsman

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 WP(C) NO. 20664 OF 2021 PETITIONERS: 1 ATHIKKA AGED 35 YEARS W/O MOHAMMEDALI, KALLIYATH HOUSE, A.R.NAGAR P.O.KAKKADAMPURAM, TIRURANGADI TALUK, MALAPPURAM-676 305. 2 MOHAMMEDALI, AGED 41 YEARS S/O ABOOBACKER HAJI, KALLIYATH HOUSE, A.R.NAGAR P.O.KAKKADAMPURAM, TIRURANGADI TALUK, MALAPPURAM-676 305. BY ADV K.P.SHEREEF RESPONDENTS:

1 THE BANKING OMBUDSMAN RESERVE BANK OF INDIA, BAKERY JUNCTION, THIRUVANANTHAPURAM, PIN-695 033. 2 GENERAL MANAGER MALAPPURAM DISTRICT CO-OPERATIVE BANK, HEAD OFFICE MALAPPURAM, P.O.MALAPPURAM , PIN-676 505. 3 AUTHORISED OFFICER, (DEPUTY GENERAL MANAGER (IN CHARGE), MALAPPURAM DISTRICT CO- OPERATIVE BANK, HEAD OFFICE, MALAPPURAM, P.O.MALAPPURAM , PIN-676 505. 4 ABDURABB KURUMBAN, S/O HYDROSS, V.K. MAD, KANNAMANGALAM P.O., TIRURANGADI TALUK, MALAPPURAM DISTRICT-676 304.

SRI.E.S.M.KABEER-SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BECHU KURIAN THOMAS, J
----- Dated this the 1st day of
October, 2021

JUDGMENT

Petitioner as borrower from the second 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 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.22,65,213/-. 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 Adv. K.P.Shereef, learned Counsel for the petitioner as well as Adv. E.S.M.Kabeer the learned Standing Counsel for the respondents 2 and 3.

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 overdue amount in six 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. 22,65,213/- 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. 22,65,213/- shall be repaid in six equated monthly instalments.
- ii. Petitioner shall pay an amount of Rs. 1,00,000/- (Rupees One lakh only) on or before 30.10.2021 and the balance amount shall be paid in six equal monthly instalments
- iii. Petitioner shall continue to pay the regular EMI's 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.

The writ petition is disposed of as above. Sd/- BECHU KURIAN THOMAS JUDGE
AJ/01.10.2021 APPENDIX OF WP(C) 20664/2021 PETITIONER EXHIBITS
Exhibit P1 TRUE COPY OF THE LETTER SENT BY THE RESPONDENT BANK
TO THE PETITIONER Exhibit P2 TRUE COPY OF THE RELEVANT PAGE OF
THE BANKS PASS BOOK

Exhibit P3

TRUE COPY OF THE AGREEMENT Exhibit P4

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com