
(2025) 10 KL CK 1335
In the High Court Of Kerala
Case No : Writ Petition (C) No. 6353 Of 2024

Alexander Francis

APPELLANT

Vs

Kadanad Service Co Operative Bank Limited

RESPONDENT

Date of Decision : 28-10-2025

Acts Referred:

Citation : (2025) 10 KL CK 1335

Hon'ble Judges : Gopinath P., J

Bench : Single Bench

Advocate : P.M.Joseph, C.P.Sabari

Final Decision : Disposed Of

Judgement

Gopinath P., J

1. This writ petition has been filed challenging the recovery proceedings initiated by the 1st respondent to recover the amount due under several loans availed by the petitioner from the respondent bank. Even going by the pleadings in the writ petition, the demand in the proceedings initiated for execution of the awards obtained against the petitioner is Rs.1,85,22,502.

2. The learned counsel for the respondent bank submits that as on today the amount due from the petitioner is Rs.2,04,88,448/-.

3. The learned counsel for the petitioner submits that the petitioner has entered into an agreement for sale of the property belonging to the petitioner and once that sale is materialised the petitioner will be in a position to clear the entire liability.

4. The learned counsel for the respondent bank submits that this writ petition has been pending from February 2024 and each time the matter is taken the petitioner has been stating that he is intending to sell his property and settle the liability of the respondent bank. It is submitted that nothing has materialised so far. It is pointed out that apart from the amount of Rs.13,00,000/- paid by the

petitioner pursuant to the interim order dated 21-02-2024, no further amount has been paid by the petitioner. It is submitted that the amount due from the petitioner is huge and further continuance of the interim order will cause serious prejudice to the respondent bank.

5. Having heard the learned counsel for the petitioner and the learned counsel for the respondent bank, I am of the opinion that this writ petition need not be kept pending for the consideration of this court in the facts and circumstances of the case noticed above. The amount due from the petitioner as on today is in excess of Rs.2 Crores. The learned counsel for the respondent bank is therefore right in contending that continuance of the interim order will cause serious prejudice to the respondent bank. That apart the only request made by the petitioner is that he may be allowed to sell his property and settle the liability of the respondent bank. In the above circumstances, I am inclined to dispose of this writ petition permitting the petitioner to submit a proposal for settlement of liability to the respondent bank either by sale of his property or otherwise. If such a proposal is submitted within a period of two weeks from today together with a further payment of Rs.10 lakhs towards the loan liability, the competent authority of the respondent bank shall take a decision on such proposal within a period of one month from the date of submission of the proposal. Till such time as the proposal to be submitted by the petitioner is considered and disposed of, status-quo as on today shall be maintained. If the petitioner fails to deposit the sum of Rs.10,00,000/-(Rupees Ten lakh only) or if he fails to submit a proposal as directed, it will be open to the respondent bank to continue with the proceedings.

Writ petition ordered accordingly.