
(2025) 01 KL CK 1728

In the High Court Of Kerala

Case No : Writ Petition (C) No. 46869 Of 2024

Kavitha Reji

APPELLANT

Vs

The Deputy Tahsildar

RESPONDENT

Date of Decision : 07-01-2025

Acts Referred:

Citation : (2025) 01 KL CK 1728

Hon'ble Judges : Gopinath P., J

Bench : Single Bench

Advocate : T.T.Muhamood, Gokul R.Nair, K.Ammunikutty, Sreejith V.S

Final Decision : Disposed Of

Judgement

Gopinath P., J

1. Petitioner along with her late husband availed a housing loan from the 2nd respondent bank. The husband of the petitioner expired in the year 2022, and the petitioner has been unable to pay the installments due in terms of the loan agreement. As a result of which, the bank initiated proceedings under the Kerala Revenue Recovery Act, 1968, for recovery of the amounts due from the petitioner.

2. During the course of hearing, the petitioner has confined the relief to an opportunity of repaying the overdue amount in instalments and to obtain regularisation of the loan account.

3. The learned counsel appearing for the respondent bank submits that the present overdue amount is Rs.5,59,767/- and the bank has no objection in some reasonable installments being granted to the petitioner to clear the overdue amount.

4. Heard the learned Government Pleader also.

5. Having heard the learned counsel appearing for the petitioner, the learned Government Pleader and the learned counsel appearing for the 2nd respondent

bank and having regard to the submissions made as recorded above, I am of the view that the petitioner can be permitted to clear the overdue amount in 12 equal monthly installments 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.5,59,767/- 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.5,59,767/- together with any accrued interest and charges shall be repaid in 12 equated monthly instalments.

(ii) The first instalment shall be paid on or before 07-02-2025 and the subsequent instalments shall be paid on or before the 7th day of every succeeding month.

(iii) Petitioner shall continue to pay the regular EMI's along with the instalments as 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.