**(2024) 02 KL CK 0222**

**In the High Court Of Kerala**

**Case No :** Review Petition No.1331 Of 2023

Noordeen O.M — APPELLANT

Vs

Authorised Officer Kerala State Co-Operative Bank Ltd — RESPONDENT

**Date of Decision :** 26-02-2024

**Acts Referred:**

**Citation :** (2024) 02 KL CK 0222

**Hon'ble Judges :** K.Babu, J

**Bench :** Single Bench

**Advocate :** T.A.Shain, Radhakrishna Pillai.G., M Sasindran

**Final Decision :** Allowed

## Judgement

K.Babu, J

1. The petitioner seeks review of the judgment dated 9.10.2023 in W.P(C) No.32505/2023. In the judgment dated 9.10.2023 this Court passed the following directions:

"(i) Respondent Bank is directed to regularize the loan account by accepting repayment of the entire overdue amount of Rs.24,01,566/- along with Bank charges from the petitioner.

(ii) The petitioner shall remit the overdue amount of Rs.24,01,566/- together with any accrued interest and charges in 15 equal monthly instalments.

(iii) The first instlament shall be paid on or before 31.10.2023 and subsequent instalments shall be paid on the last working day of every succeeding month.

(iv) The petitioner shall continue to pay the regular EMIs in terms of the contract.

(v) In the event of default of any one instalment, the respondent Bank is entitled to proceed in accordance with law.

(vi) The proceedings initiated under the SARFAESI Act against the petitioner shall be kept in abeyance to facilitate repayment as stated above.”

2. It is submitted by the petitioner that the total overdue amount is erroneously mentioned as Rs.24,01,566/- instead of Rs.12,33,360/-.

3. The learned Standing Counsel conceded to the submission of the learned counsel for the petitioner. Therefore, the operative portion of the judgment dated 9.10.2023 is reviewed as follows:

“(i) The total outstanding amount due to the Bank is Rs.26,50,758/- and the overdue amount is Rs.12,33,360/- . Respondent Bank is directed to regularize the loan account by accepting repayment of the entire overdue amount of Rs.12,33,360/- along with Bank charges from the petitioner.

(ii) The petitioner shall remit the overdue amount of Rs.12,33,360/- together with any accrued interest and charges in 15 equal monthly instalments.

(iii) The first instlament shall be paid on or before 31.10.2023 and subsequent instalments shall be paid on the last working day of every succeeding month.

(iv) The petitioner shall continue to pay the regular EMIs in terms of the contract.

(v) In the event of default of any one instalment, the respondent Bank is entitled to proceed in accordance with law.

(vi) The proceedings initiated under the SARFAESI Act against the petitioner shall be kept in abeyance to facilitate repayment as stated above.”

The Review Petition is allowed as above.

 