(2018) 02 KL CK 0044

In the High Court Of Kerala

Case No : 39205 of 2017

RONY.P.B. APPELLANT

Vs

THE ALWAYE URBAN CO OPERATIVE BANK LTD RESPONDENT

Date of Decision : 01-02-2018

Acts Referred:

Citation : (2018) 02 KL CK 0044

Hon'ble Judges : P.B.Suresh Kumar

Bench : Single Bench

Advocate : E.V.MOLY, DEVAPRASANTH.P.J

Judgement

1. Petitioner availed a term loan from the Alwaye Urban Cooperative Urban Bank Limited (the bank). He has not remitted the instalments of the

loan as agreed. Consequently, proceedings have been initiated by the bank under the Securitisation and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002 (the Act) for realisation of the outstanding in the loan account. The petitioner is aggrieved by the said

proceedings.

2. Heard the learned counsel for the petitioner as also the learned counsel for the bank.

3. When the matter was taken up, the learned counsel for the petitioner pointed out that non-payment of the instalments of the loan by the

petitioner was due to reasons beyond his control and not wilful and that if a reasonable time WPC No.39205 of 2017 2 is granted, the petitioner is

prepared to liquidate the overdue in the loan account, so that he can repay the outstanding in the loan account in instalments.

4. The learned counsel for the bank, on instructions, submitted that a sum of

Rs.1,48,397/- is overdue in the loan account. The learned counsel

also submitted that the bank has no objection in this Court granting reasonable instalments to the petitioner for clearing the overdue.

5. Having regard to the facts and circumstances of the case as also the orders passed by this Court in similar writ petitions, this writ petition is

disposed of as follows :

(i) The petitioner shall pay the overdue in the loan account with the interest due, in six equal monthly instalments, of which the first instalment shall

be paid within one month from today. The petitioner shall also pay, in addition, the regular instalments of the loan on the due dates.

(ii) If the petitioner remits the overdue in the loan account as directed above, the bank shall regularise WPC No.39205 of 2017 3 the loan account

so as to enable the petitioner to liquidate the remaining liability in accordance with the terms of the loan.

(iii) Needless to say that if the petitioner liquidates the overdue as directed above, coercive action against the petitioner shall be deferred. It is,

however, made clear that if the petitioner commits default in remitting any one of the instalments as directed, the proceedings initiated against the

petitioner under the Act can be continued.