(2018) 02 KL CK 0023

In the High Court Of Kerala

Case No : 3521 of 2018

SHIHABUDHEEN APPELLANT

Vs

M/S.PEOPLES URBAN CO-OPERATIVE BANK LTD & ANR RESPONDENT

Date of Decision : 01-02-2018

Acts Referred:

Citation : (2018) 02 KL CK 0023

Hon'ble Judges : P.B.Suresh Kumar

Bench : Single Bench

Advocate : G.HARIHARAN, PRAVEEN.H., K.S.SMITHA, JINU ANTONY, V.R.SANJEEV KUMAR, T.A.RAJAN

Judgement

1. Petitioner availed two term loans from the People''s Urban Co-operative 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 accounts. 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 loans by the

petitioner was due to reasons beyond his control and not wilful and that if a reasonable time is granted, the petitioner is prepared to liquidate the

overdue in the loan accounts, so that he can repay the outstanding in the loan accounts in instalments.

4. The learned counsel for the bank, on instructions, submitted that a sum of Rs.10,06,097/- is overdue in the loan accounts. 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 accounts with the interest due, in ten 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 loans on the due dates.

(ii) If the petitioner remits the overdue in the loan accounts as directed above, the bank shall regularise WPC No. 3521/18 3 the loan accounts so

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

(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.

