
(2023) 06 KL CK 0020

In the High Court Of Kerala

Case No : Writ Petition (C) No. 11947 Of 2023

Susamma Varghese

APPELLANT

Vs

State Bank Of India

RESPONDENT

Date of Decision : 05-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0020

Hon'ble Judges : C.S.Dias, J

Bench : Single Bench

Advocate : Sanil Jose, K.P.Antony Binu, Deepa Narayanan, T.Sethumadhavan

Final Decision : Dismissed

Judgement

C.S.Dias, J

1. The writ petition is filed to direct the respondents to permit the petitioner to avail one time settlement scheme, if she is otherwise eligible.
2. The petitioner's case is that, she had availed a housing loan from the second respondent – Bank - by creating an equitable mortgage. Due to reasons beyond her control, she could not pay off the instalments within the stipulated time period. The second respondent has proceeded against the secured asset under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'Act'). The petitioner approached this Court and filed WP(C)No.15270/2022, which was disposed of by Ext P1 judgment, permitting the petitioner to pay off the outstanding amount in equated monthly instalments. The petitioner paid off the entire loan amount. But, has not been granted the benefit of one time settlement scheme. Hence, the writ petition.
3. Heard; Sri.Sanil Jose, the learned counsel appearing for the petitioner and Smt.Deepa Narayanan, the learned counsel appearing for the respondents.
4. Smt.Deepa Narayanan, on instructions, submitted that the petitioner was permitted by this Court to pay off the overdue amount in ten equated monthly

instalments commencing from 15.7.2022. Pursuant to Ext P1 judgment, the petitioner paid off the entire loan amount and security documents have been returned to the petitioner. Thus, the petitioner is not entitled for claiming one time settlement scheme benefit.

5. Having considered the pleadings and materials on record and taking note of the submission made by the learned counsel appearing for the respondent, I am of the definite view that it is not for this Court to direct the respondents to grant the petitioner any benefit under the one time settlement scheme. It would be up to the petitioner to approach the second respondent and submit a representation. If the same is submitted, the second respondent shall consider and dispose of the representation.

Resultantly, the writ petition is dismissed, without prejudice to the right of the petitioner to approach the second respondent with her representation seeking the benefit of the one time settlement scheme if she is eligible. If the representation is submitted, the second respondent shall consider and dispose of the same, in accordance with law and as expeditiously as possible.