
(2022) 04 KL CK 0154
In the High Court Of Kerala
Case No : Writ Petition (C) No. 14561 Of 2022

Vijayaraj

APPELLANT

Vs

State Bank Of India

RESPONDENT

Date of Decision : 29-04-2022

Acts Referred:

Citation : (2022) 04 KL CK 0154

Hon'ble Judges : Mohammed Nias C.P, J

Bench : Single Bench

Advocate : Nishin George Vijayababu, Annamma Philip, Biju Abraham, Hafy Punthala Wilson, Jithysusaja S., Xavier Thomas V., Jayesh Mohankumar

Final Decision : Disposed Of

Judgement

Mohammed Nias C.P, J

1. The petitioner has availed a housing loan to the tune of Rs.15 lakhs from the respondent bank and due to the difficulties caused by the pandemic, repayments were not made in time and the same led to proceedings for recovery against the petitioner.
2. The limited prayer of the petitioner in this writ petition is to grant instalment facility to pay the overdue amounts in instalments and to regularise the loan account.
3. The learned Standing Counsel for the respondent Bank, on instructions, submits that the overdue amount is Rs.6,15,000/-.
4. Taking into account the averments in the writ petition and after hearing the learned counsel on either side, I deem it appropriate to grant '3' monthly instalments to the petitioner to wipe off the overdue amounts due to the respondent bank.
5. In the said circumstances, this writ petition is disposed of, permitting the petitioner to clear off the overdue amount of Rs.6,15,000/- along with bank

charges in '3' equal monthly instalments, commencing from 16.05.2022 and the remaining instalments shall be paid on or before the 16th day of every succeeding month. The petitioner will also be liable to pay the applicable EMI with the accrued interest, if any, continuously over and above the instalments to pay off the overdue amounts.

6. It is made clear that, if there are two defaults, at any time, the petitioner will lose the benefit of this judgment and the respondent bank will be at liberty to proceed against the petitioner on the basis of the recovery proceedings already initiated.

7. In order to enable the petitioner to repay the entire amounts, all coercive proceedings initiated against the petitioners shall be kept in abeyance.

The writ petition is disposed of..