



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

MONDAY, THE 22<sup>ND</sup> DAY OF JUNE 2026 / 1ST ASHADHA, 1948

WP (C) NO. 21179 OF 2026

PETITIONER:

SHAMSU P., AGED 51 YEARS  
S/O. UMMER, THAROL, VELUR WEST P.O.,  
KOZHIKODE., PIN - 673315

BY ADVS.  
SRI.T.D.SUSMITH KUMAR  
SMT.ANJANA ASHOK  
SMT.VANDANA A.  
SMT.NIYA VINCENT  
SHRI.C.SIVADAS

RESPONDENTS:

1 KERALA GRAMIN BANK  
ATHOLI P.O., KOZHIKODE.  
REPRESENTED BY ITS BRANCH MANAGER, PIN - 673315

2 THE AUTHORIZED OFFICER  
KERALA GRAMIN BANK ATHOLI P.O.,  
KOZHIKODE, PIN - 673315

SRI. K. M. ANEESH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 22.06.2026, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



**P.V. BALAKRISHNAN, J.**

.....  
**W.P.(C)No.21179 of 2026**

.....  
**Dated this the 22<sup>nd</sup> day of June, 2026**

**JUDGMENT**

It is aggrieved by the coercive action taken by the respondents under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act', for short), this writ petition has been preferred by the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The learned counsel for the petitioner submits that an opportunity may be given to the petitioner to clear the entire overdue amount in installments.

4. The learned counsel for the respondents submitted that the bank has no objections in permitting the petitioner to clear the entire overdues with interest, by way of installments and regularise the loan account since, the same is only beneficial to it. He also submitted that the total overdue amount as on



today is **Rs.4,45,000/- (Rupees Four Lakhs Forty Five Thousand only)**.

5. Hence, considering the submissions made by the learned counsel for the respondents and the facts and circumstances of this case, I am of the view that the petitioner can be granted an opportunity to clear the entire overdue amount of **Rs.4,45,000/- (Rupees Four Lakhs Forty Five Thousand only)** with interest, in installments and regularise the account subject to terms.

6. Accordingly, this writ petition is allowed as follows:-

(i) The petitioner shall remit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** on or before **7<sup>th</sup> July, 2026** to the bank;

(ii) Thereafter, the petitioner shall remit the balance overdue amount with interest in **10** equal monthly installments starting from **August, 2026** and such payments shall be made on or before the **15<sup>th</sup>** of every month;

(iii) The petitioner shall also continue to pay the regular EMIs/Installments along with the installments as directed afore;

(iv) If the petitioner complies with the above directions, the respondents shall regularise the loan account and in case of failure to pay any of the



installments as ordered afore, the bank will be at liberty to continue with the coercive steps already taken.

**Sd/-  
P.V. BALAKRISHNAN,  
JUDGE**

Dxy



APPENDIX OF WP(C) NO. 21179 OF 2026

PETITIONER'S EXHIBITS

EXHIBIT P-1                    A TRUE COPY OF THE NOTICE DATED  
16/01/2023 UNDER SECTION 13(4) OF THE  
SARFAESI ACT, ISSUED BY THE 2ND  
RESPONDENT.

EXHIBIT P- 2                A TRUE COPY OF THE NOTICE ISSUED BY THE  
ADVOCATE COMMISSIONER APPOINTED IN C.M.P  
NO. 3509/2025 ON THE FILE OF THE CHIEF  
JUDICIAL MAGISTRATE, KOZHIKODE.