

Sony Paul Vs Authorized Officer, Cholamandalam Investment And Finance Company Limited

Court: High Court Of Kerala

Date of Decision: Jan. 28, 2025

Hon'ble Judges: Gopinath P, J

Bench: Single Bench

Advocate: K.S.Aneesh, Shyamdeep S.Shenoy, Renish Raveendran, C.S.Geethu, Farhath Salim, Vikas V. Shenoy, Aadithyan S.Mannali, Parvathy Kottol

Final Decision: Disposed Of

Judgement

Gopinath P, J

1. Petitioner availed a loan from the respondent financial institution. On default being committed proceedings have been initiated against the petitioner

under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act),

prompting the petitioner to approach this Court by filing the above writ petition.

2. During the course of hearing, petitioner has confined the relief to an opportunity for repaying the overdue amount in installments and to obtain

regularization of the loan account.

3. The learned counsel appearing for the respondent financial institution submits that the overdue amount as on today (24.01.2025) is Rs.5,92,085/- and

that it is proposing to take physical possession of the secured asset on 25.01.2025. The learned counsel for the respondent financial institution would

submit that the number of installments may be limited to five. It is submitted that the loan account can be regularised, and the petitioner may be

required to pay a substantial amount before tomorrow (25.01.2025) to prove bona fides.

4. Having regard to the circumstances of the case and the submissions made as recorded above, I am of the view that the petitioner can be granted an

opportunity to repay the overdue amount on a condition that he will pay a sum of Rs.1,50,000/- on or before 31-01-2025 and balance overdue amount

along with any accrued interest and charges in eight (08) installments and thereafter, if the amount so directed is repaid within the time as directed

above, to have the loan account regularized.

5. Accordingly, there will be a direction to the respondent financial institution to accept repayment of the entire overdue amount of Rs.5,92,085/- along

with bank charges from the petitioner and regularize the loan account of the petitioner on the following conditions:

(i) The petitioner shall pay an amount of Rs.1,50,000/-(Rupees One Lakh and Fifty Thousand Only) on or before 31-01-2025 and the balance overdue

amount shall be repaid in eight (8) equated monthly installments commencing from 28-02-2025 along with any accrued interest and costs;

(ii) The subsequent installments shall be paid on or before the last working day of every succeeding months;

(iii) Petitioner shall continue to pay the regular EMI along with the installments directed above;

(iv) In the event of default of any one installment, the respondent financial institution shall be entitled to proceed in accordance with law.

(v) In order to enable the petitioner to repay the entire amounts, all coercive proceedings shall be kept in abeyance.

The writ petition is disposed of as above.