

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS**

**TUESDAY, THE 5TH DAY OF MAY, 2020 /15TH VAISAKHA, 1942**

**W.P.(C). TMP NO. 307 OF 2020**

**Petitioner:**

BINU MATHEW, AGED 49, S/O.MATHEW  
NO.29, SANTHI NAGAR, RAJAGIRI P.O,  
KALAMASSERY, ERNAKULAM DISTRICT- 683104

BY ADV V.PHILIP MATHEWS  
ADV GIBI C GEORGE

**RESPONDENTS:**

1. CAN FIN HOMES LTD, 339/3728, VISHNU PRIYA,  
MANIKKIRI CROSS ROAD (LINK), PALLIMUKKU,  
M G ROAD, ERNAKULAM-682016  
REPRESENTED BY ITS MANAGER
2. THE AUTHORISED OFFICER, CAN FIN HOMES LTD,  
339/3728, VISHNU PRIYA, MANIKKIRI CROSS ROAD (LINK),  
PALLIMUKKU, M G ROAD, ERNAKULAM-682016

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 05/05/2020, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:-

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**JUDGMENT**

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***Dated this the 5<sup>th</sup> day of May, 2020***

This writ petition is filed seeking the benefit of moratorium from 01.03.2020 to 31.05.2020 to be applied to the housing loan account of the petitioner.

2. On instructions it is submitted by the learned Standing Counsel for the respondents Sri. C. Ajith Kumar that the bank will certainly be extending the benefit of moratorium to the petitioner.

3. In another case, this Court had already granted the benefit of moratorium for the period from 01.03.2020 to 31.05.2020 since the moratorium was declared in between the month of March 2020. The said benefit of the period, 01.03.2020 to 31.05.2020 shall also be extended to the petitioner in this case.

4. It is submitted by the learned Standing Counsel that even though the petitioner was directed to pay the EMIs

without default, he has committed defaulted in payment of EMIs for the month of January and February. Counsel for the petitioner disputes the same by saying that he has paid part of the EMI due for the month of January. In such circumstances, there will be a direction that the petitioner shall deposit an amount of ₹20,000/- by 15<sup>th</sup> of June, 2020 and clear all liabilities as on that date by 30<sup>th</sup> of June, 2020. If such amounts are paid by the petitioner the account shall be regularised and he shall continue to pay the EMIs without further default.

5. Needless to say that petitioner's account shall not be classified as an NPA reckoning the period from 01.03.2020 to 31.05.2020.

The writ petition is disposed of as above.

**BECHU KURIAN THOMAS  
JUDGE**

APPENDIX

PETITIONERS EXHIBITS:-

- EXHIBIT P1: COPY OF POSSESSION NOTICE DATED 18-07-2019 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER
- EXHIBIT P2: COPY OF INTERIM ORDER DATED 22-10-2019 PASSED BY THIS HON'BLE COURT IN W.P(C)NO.27932/2019
- EXHIBIT P3: COPY OF CASH RECEIPT VOUCHER DATED 24-10-2019 EVIDENCING PAYMENT OF RS.1 LAKH
- EXHIBIT P4: COPY OF JUDGMENT DATED 05-11-2019 PASSED BY THIS HON'BLE COURT IN W.P(C)NO.27932/2019
- EXHIBIT P5 : COPY OF CASH RECEIPT VOUCHER DATED 25-11-2019 EVIDENCING PAYMENT OF RS.75,000/-
- EXHIBIT P6 : COPY OF LETTER DATED 28-11-2019 ISSUED BY THE MANAGER OF THE FIRST RESPONDENT TO THE PETITIONER
- EXHIBIT P7: COPY OF CHALLAN DATED 24-12-2019 EVIDENCING PAYMENT OF RS.2,34,000/-
- EXHIBIT P8: COPY OF NOTIFICATION DATED 27-03-2020 ISSUED BY RESERVE BANK OF INDIA
- EXHIBIT P9: COPY OF NOTIFICATION DATED 17-04-2020 ISSUED BY RESERVE BANK OF INDIA
- EXHIBIT P10: COPY OF REPRESENTATION DATED 30-03-2020 SENT BY THE PETITIONER TO THE MANAGER OF THE FIRST RESPONDENT