

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

OP(C).No. 2167 of 2014 (O)

EP.124/2011 OF SUBORDINATE COURT, HOSDURG

PETITIONERS:

- 1. MADHAVAN NAMBOODIRI, AGED 52 YEARS,
S/O. T.ESHWARAN NAMBOODIRI, MADHURAKATT
AJANUR VILLAGE, HARIPURAM P.O., KANHANGAD
KASARAGOD DISTRICT.**
- 2. NARAYANAN P., AGED 49 YEARS
S/O. LATE CHANDU A., MADIYAN, AJANUR VILLAGE
MANIKOTH P.O., KANHANGAD, KASARAGOD DISTRICT.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENTS:

**KOTTACHERRY SERVICE CO-OPERATIVE BANK LTD.
NO. L.L 156, KOTTACHERRY, BALA VILLAGE
KANHANGAD P.O., HOSDURG TALUK, KASARGOD DISTRICT
PIN 673001.**

BY ADV. SRI.A.ARUNKUMAR

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 26-02-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP(C).No. 2167 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE EXECUTION PETITION E.P.NO. 124 OF 2011 FILED
BEFORE THE SUB-JUDGE, HOSDURG**

**EXHIBIT P2- TRUE COPY OF THE ORDER DATED 31-07-2014 IN E.P.NO. 124 OF 2011
BEFORE THE SUB JUDGE, HOSDURG.**

**EXHIBIT P3- TRUE COPY OF THE LOAN STATEMENT IN LOAN NO. 2005-2006
AVAILED BY THE PETITIONERS HEREIN**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

O.P.(C) No. 2167 of 2014

Dated this the 26th day of February, 2015

J U D G M E N T

This is a petition seeking relief against the proceedings of sale which has been effected in pursuance to the decree against the petitioner. The petitioner points out that he is willing to pay the balance decree debt in instalments.

2. The learned standing counsel appearing for the Bank pointed out that the sale has been completed and stamp papers have been purchased by the Bank. If, in case this Court is inclined to grant relief to the petitioner, that may also be taken note of and appropriate orders be passed.

3. The decree debt as on date is ₹ 92,480/- and the value of the stamp paper is ₹ 25,150/-. The petitioner is given an opportunity to pay the said amount in instalments as follows:

The petitioner shall pay the decree amount plus value of the stamp paper in ten equal monthly instalments; the

first of which shall be paid on or before 25.03.2015 and subsequent instalments shall be effected on or before 25th of every succeeding month. If any one of the instalments is defaulted, proceedings in execution shall continue. The Bank will be allowed to withdraw the excess amount paid.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge