

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WA.No.264 of 2015 IN WP(C).7302/2014

AGAINST THE JUDGMENT IN WP(C) 7302/2014 of HIGH COURT OF KERALA
DATED 07-07-2014

APPELLANT/PETITIONER:

VIJAYAMMA, AGED 48 YEARS,
W/O. LATE FALGUNAN, PULLERI VEEDU,
(BHALGUNA NIVAS), KOTTAKKAKATHU CHERRY,
PERINAD P.O., KOLLAM DISTRICT.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS/RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE CO-OPERATIVE SOCIETIES REGISTRAR,
THIRUVANANTHAPURAM - 695 001
2. THE KOLLAM DISTRICT CO-OPERATIVE BANK,
CHINNAKKADA, P.B.NO.130, KOLLAM - 691 001
3. THE AUTHORISED OFFICER, THE KOLLAM DISTRICT
CO-OPERATIVE BANK, CHINNAKKADA,
P.B.NO.130, KOLLAM - 691 001.
4. KERALA CO-OPERATIVE DEVELOPMENT &
WELFARE FUND BOARD, THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS SECRETARY.

R4 BY SRI.T.M.RAMANKARTHA

R1 BY SENIOR GOVERNMENT PLEADER THOMAS GEORGE ABOOKKEN

R2 & R3 BY SRI.T.R.HARIKUMAR, SC, KOLLAM DCB

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11-02-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

APPELLANT'S EXHIBITS:

ANNEXURE-A1: TRUE PHOTOCOPY OF THE APPLICATION DTD. 31.3.2014
SUBMITTED BY THE APPELLANT BEFORE R1.

RESPONDENTS' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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Dated this the 11th day of February, 2015.

J U D G M E N T

Antony Dominic, J.

The appellant, who is the wife of the deceased loanee, filed the writ petition claiming the benefit of Co-operative Risk Fund Scheme, 2008. The prayer was declined by the learned Single Judge. However, the learned Single Judge granted instalment facility to the appellant. It is aggrieved by the judgment of the learned Single Judge, this appeal is filed.

2. We heard the learned counsel for the appellant and learned Government Pleader and standing counsel appearing for the Bank.

3. Although the learned counsel for the appellant relied on clause (vi) of Ext.P6 Scheme, a reading of clause (iv) of the Scheme itself shows that those loanees who were in default for more than six months, even if expired during the currency of loan would not be eligible for the benefit of the Scheme. Materials show that there was default for more than six months. Therefore, it is obvious that the appellant was ineligible for the benefit of the Scheme, 2008 claimed by the

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her. If that be so, the judgment passed by the learned Single Judge cannot be said to be faulty.

4. However, learned counsel for the appellant brought to our notice that a new Scheme by name Aswas-2015, has been introduced by the Registrar of Co-operative Societies in 2015 and that the appellant is eligible for the benefit of the Scheme Aswas-2015.

5. We clarify that if the appellant is eligible for the benefit of such Scheme, it will be open to the appellant to claim the same and that the judgment in the writ petition or in the writ appeal would not stand in her way.

With the above observation, the writ appeal is disposed of.

**Sd/-
ANTONY DOMINIC,
Judge.**

**Sd/-
ALEXANDER THOMAS,
Judge.**

bkn/-