IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WA.No. 463 of 2015 () IN WP(C).36393/2010
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APPELLANT(S)/PETITIONER:

KANNAMTHODI IRUMBANOTTIL PATHUMMAKUTTY UMMA
D/O.KANNAMTHODI IRUMBANOTTIL HAMZA, VETTATHOOR P.O.
MALAPPURAM DISTRICT.

BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON
SMT.N.DEEPA

RESPONDENT(S)/RESPONDENTS:
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1. **REGISTRAR OF CO-OPERATIVE SOCIETIES**
   THIRUVANANTHAPURAM PIN - 695 001.

2. **JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES**
   MALAPPURAM. PIN - 679 005.

3. **VETTATHUR SERVICE CO-OPERATIVE BANK LIMITED**
   REPRESENTED BY ITS SECRETARY, P.O.VETTATHUR
   MALAPPURAM DISTRICT - 679 005.

BY ADV.SRI.V.G.ARUN
GOVERNMENT PLEADER SRI.P.M.JOSEPH
ADV.SRI.T.R.HARIKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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W.A.No. 463 of 2015

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Dated this the 4th day of March, 2015

J U D G M E N T

ANTONY DOMINIC, J.:

The petitioner in the Writ Petition has filed this appeal challenging the judgment of the learned Single Judge declining her the benefit of the Agricultural Debt Waiver and Debt Relief Scheme, 2008, which was implemented by Ext.P-2 circular.

2. We heard the learned Senior Counsel appearing for the appellant and the learned counsel appearing for the respondent bank.

3. The claim made before the learned Single Judge was with respect to the loan, which was sanctioned on 14.3.2005. According to the appellant, that loan qualified for the benefit of Ext.P-2 scheme. But however, the same was illegally declined by the respondents. From the ledger folios produced along with the Writ Petition, it is seen that the said loan sanctioned on 14.3.2005 was closed on 4.8.2006 and on the same day, another loan was sanctioned. That account was again closed on 23.1.2008 and a

fresh loan of Rs.2 lakhs was again sanctioned. This therefore shows that on 23.1.2008, there was a closure of the existing account and a new loan was sanctioned to the appellant. If that be so, the loan in question did not qualify for the relief under Ext.P-2, which permitted waiver only to the extent of the defaulted committed as on 31.12.2007 and remaining unpaid as on 29.2.2008. We, therefore, do not find anything to disagree with the view taken by the learned Single Judge. However, as ordered by the learned Single Judge, we allow the appellant to repay the liability due in 12 equal monthly instalments. The first instalment shall be paid on 30.4.2015 and the subsequent instalments shall be paid on or before the last working day of every succeeding month. Subject to the payment as above, the recovery proceedings shall not be initiated and if default is committed, the bank will be free to recover the amounts due.

Sd/-
ANTONY DOMINIC, JUDGE
Sd/-
ALEXANDER THOMAS, JUDGE

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P.S. to Judge