

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WA.No. 595 of 2015 () IN WP(C).7780/2014

**AGAINST THE ORDER/JUDGMENT IN WP(C) 7780/2014 of HIGH COURT OF KERALA
DATED 05-01-2015**

APPELLANT(S)/1ST RESPONDENT:

**KERALA STATE CO-OPERATIVE RUBBER MARKETING
FEDERATION
GANDHI NAGAR, KOCHI 682020**

**BY ADVS.SRI.JAGAN GEORGE
SRI.P.JAYABAL MENON**

RESPONDENT(S)/PETITIONER & 2ND RESPONDENT:

- 1. THALAPPALAM SERVICE CO-OPERATIVE BANK LTD.NO.3937
PLASSANAL, KOTTAYAM DISTRICT
RERPESENTED BY ITS SECRETARY-686579**
- 2. THE REGISTRAR, OFFICE OF THE REGISTRAR
OF CO-OPERAITVE SOCIETIES,
THIRUVANANTHAPURAM 695001**

**R1 BY SRI.P.V.BABY
R2 BY SR GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
=====

Writ Appeal No. 595 of 2015
=====

Dated this the 25th day of March, 2015

J U D G M E N T

Antony Dominic, J.

The 1st respondent in WP(C) No.7780/14 is the appellant. The writ petition was filed by the 1st respondent in this appeal seeking a direction to the appellant to pay them the amount due under three fixed deposits which have matured. The learned single Judge by the judgment under appeal directed that the amounts due to the 1st respondent as aforesaid be returned within three months. It is aggrieved by this judgment, this appeal is filed.

2. We heard the learned counsel for the appellant, learned counsel appearing for the 1st respondent and the learned Government Pleader appearing for the 2nd respondent.

3. Learned counsel for the appellant submitted that the appellant society is having severe financial crisis and that it is liquidating its liabilities by disposing off its fixed assets. It is stated that it is willing to return the amounts due to the 1st respondent also as ordered by the learned single Judge. But, however, it needs an instalment facility to make such payments, as otherwise, according to the learned counsel, a one time payment would even upset the

payments that are made to the other creditors also. On this request, we heard the learned counsel for the 1st respondent.

4. Though the learned counsel was not in favour of granting an instalment as requested by the appellant, still, having regard to the practical realities of the situation, we allow the appellant to repay the amount due to the 1st respondent in 8 equal monthly instalments. On the above basis, the amount as ordered by the learned single Judge shall be paid by the appellant. The first instalment shall be paid on or before 15/4/15 and the subsequent seven instalments shall be paid on or before 15th of every succeeding months. But, however, the instalment facility granted by this Court will not in any manner affect the liberty given by the learned single Judge to the 1st respondent to invoke the remedy under Section 69 of the Kerala Co-operative Societies Act for realisation of the interest claimed by it.

Writ appeal is disposed of as above.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge