

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE SMT. JUSTICE P.VASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WA.No. 730 of 2015 () IN WP(C).6310/2015

AGAINST THE JUDGMENT IN WP(C) 6310/2015 of HIGH COURT OF KERALA
DATED 17-03-2015

APPELLANT/PETITIONER :

CIRIL BOSE,
KAIMALAKALAYIL HOUSE,
THALAYOLAPARAMBU P.O.,
KOTTAYAM DISTRICT

BY ADV. SRI.A.J.VARGHESE

RESPONDENTS/RESPONDENTS :

1. VAIKOM URBAN CO-OPERATIVE BANK LIMITED
NO.1193 VAIKOM, REPRESENTED BY ITS BRANCH MANAGER,
THALAYOLAPARAMBU BRANCH, THALAYOLAPARAMBU P.O.,
KOTTAYAM DISTRICT, PIN - 686 605
2. THE AUTHORISED OFFICER,
VAIKOM URBAN CO-OPERATIVE BANK LIMITED NO.1193 VAIKOM
VAIKOM, KOTTAYAM DISTRICT, PIN - 686 141
3. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
CO-OPERATIVE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001

R1-R2 BY ADV. SRI.J.JULIAN XAVIER
R3 BY SR.GOVERNMENT PLEADER E.M.ABDUL KHADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA.No. 730 of 2015 () IN WP(C).6310/2015

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE SALE NOTICE DATED 23.1.2015 ISSUED BY THE 2ND RESPONDENT

EXT.P2 : COPY OF THE NOTICE DATED 14.2.2015 ISSUED BY THE 1ST RESPONDENT

EXT.P3 : COPY OF THE REPRESENTATION DATED 25.2.2015 BEFORE THE 1ST
RESPONDENT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

**K.SURENDRA MOHAN
&
P.V.ASHA, JJ.**

W.A.No.730 of 2015

Dated this the 26th day of March, 2015

J U D G M E N T

K.Surendra Mohan, J.

This appeal is filed against the judgment of the learned Single Judge dated 17.03.2015 in W.P(C).No.6310/2015 declining jurisdiction under Article 226 of the Constitution.

2. The appellant had availed a loan from the 1st respondent Bank. Since the repayment of the loan amount was remaining in default, coercive proceedings were taken against him. The appellant had approached this Court challenging the coercive action by filing the writ petition. The same was admitted and as per an interim order, the petitioner was directed to make a payment of ₹ 1,00,000/- on or before 16.03.2015. However, the petitioner could remit only an amount of ₹50,000/- within the time stipulated. It was for the above reason that, the learned Single Judge dismissed the writ petition.

3. According to the learned counsel for the appellant, the appellant is entitled to the benefit of "Aaswas 2015" scheme of the Government. If he is given the benefit of the said scheme, the counsel for the appellant submits that, the balance amount payable would not be substantial. The appellant is ready to pay the said amount.

4. Adv.Sri.Julian Xavier appears for the 1st respondent Bank. It is submitted on behalf of the 1st respondent that, the benefit of the scheme "Aashwas 2015" would be extended to the appellant.

In view of the above, this writ appeal is disposed of recording the submissions made on behalf of the 1st respondent and directing the said respondent to extend the benefits of the scheme "Aaswas 2015" to the appellant. In order to facilitate the appellant to take the benefit of the said scheme and to close the loan account, it is ordered that, there shall be no coercive steps for recovery of the amount demanded by the 1st respondent, for a period of one month from today.

Sd/-
K.SURENDRA MOHAN, JUDGE.

Sd/-
P.V.ASHA, JUDGE.

AV