

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WA.No.1971 of 2014 IN WP(C).18136/2005

AGAINST THE JUDGMENT IN WP(C) 18136/2005 of HIGH COURT OF KERALA
DATED 31-10-2014

APPELLANT/PETITIONER:

MADHAVAN R., S/O.RAMAN, AGED 54 YEARS
PUTHENPURA HOUSE, MUNDOOR P.O, PALAKKAD

BY ADV. UMADEVI M

RESPONDENT(S)/RESPONDENTS 1 TO 3:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
CIVIL STATION, PALAKKAD
 2. THE MUNDOOR SERVICE CO-OPERATIVE BANK
MUNDOOR P.O, PALAKKAD, REPRESENTED BY ITS SECRETARY.
 3. THE KERALA WATER AUTHORITY
PALAKKAD, REPRESENTED BY ASSISTANT ENGINEER
P.H.SECTION.

R1 BY SENIOR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER
R2 BY SRI.LIJU. M.P
R3 BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-01-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S EXHIBITS:

ANNEXURE A1: TRUE COPY OF THE INTERIM ORDER DTD. 16.6.2005 IN W.P.
(c).NO.18136/2005

ANNEXURE- A2: TRUE COPY OF STATEMENT OF RECOVERY BY THE 3RD
RESPONDENT.

ANNEXURE A3
SERIES: TRUE COPY OF RECEIPTS OF PAYMENT ISSUED BY R2.

ANNEXURE-A4: CERTIFIED COPY OF JUDGMENT DTD. 31.10.2014

ANNEXURE-A5: TRUE COPY OF WRIT PETITION NO.18136/2005.

ANNEXURE-A6: TRUE COPY OF STATEMENT FILED BY R2 IN W.P.(C).
NO.18136/2005.

ANNEXURE-A7: TRUE COPY OF DEMAND NOTICE ISSUED BY R2.

RESPONDENTS' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.A.No.1971 Of 2014

Dated this the 30th day of January, 2015.

J U D G M E N T

Heard the learned counsel for the appellant, learned Government Pleader for the 1st respondent, standing counsel appearing for the 2nd respondent and standing counsel appearing for the 3rd respondent.

2. This appeal is filed by the petitioner in W.P(C). No.18136/2005, which was disposed of by the learned Single Judge by judgment dated 31.10.2014, directing the 2nd respondent-bank to issue a statement of account to the appellant, and giving the appellant one month's time to discharge the liability that is due from him to the bank. Having heard the counsel on both sides and also considering the fact that the appellant is a defaulter to the bank, the learned Single Judge cannot be faulted for giving opportunity to the bank to recover from him the amount that is due in the event of his non-payment as ordered in the judgment.

3. However, taking note of the complaint of the appellant that contrary to the directions of the learned Single Judge what has been issued in only Annexure-A7 and that Annexure-A7 lacks material particulars, we direct the 2nd respondent bank to issue to the appellant a statement of account containing the details of the

W.A.No.1971 Of 2014

amounts that are due from the appellant and also indicating the amounts that are already recovered from him. Such statement shall be given as expeditiously as possible, within a period of one month from today. It is also directed that once the statement is issued as above, the appellant may be permitted to pay the amount in ten equal monthly instalments. The first instalment shall be paid on or before 15.3.2015 and the subsequent instalments shall be paid on or before 15th of every succeeding months subject to payment without default as above. Recovery proceedings by deduction from the salary of the appellant shall be kept in abeyance for the time being. If in case any of the instalment is defaulted, it would be open to the 2nd respondent to effect recovery of the amount due from the appellant from the salary that is due.

Subject to the above modification, the writ appeal is disposed of.

**ANTONY DOMINIC,
Judge.**

**ALEXANDER THOMAS,
Judge.**

bkn/-