

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 1019 of 2015 (B)

PETITIONERS:

- 1. VASU, AGED 65 YEARS
S/O.APPUKTTY MOOTHAN, CHAZHIYOTTIL HOUSE
MANNARKKAD P.O., 678582**
- 2. LAKSHMIKUTTY, AGED 49 YEARS
W/O.VASU, CHAZHIYOTTIL HOUSE, MANNARKKAD P.O.
678582**
- 3. RATHEESH, AGED 31 YEARS
S/O.VASU, CHAZHIYOTTIL HOUSE, MANNARKKAD PO.
678582**

BY ADV. SRI.T.A.RAJAN

RESPONDENTS:

- 1. THE MANNARKKAD CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.,
NO.P-934, MANNARKKAD REPRESENTED BY ITS SECRETARY
PIN-678582**
- 2. THE SECRETARY,
MANNARKKAD CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.
NO.P-934, MANNARKKAD-678582**
- 3. THE SPECIAL SALE OFFICER,
MANNARKKAD PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.
NO.P-934, MANNARKKAD-678582**

**R1 & R2 BY ADV. SRI.P.K.VIJAYAMOHANAN
R3 BY GOVERNMENT PLEADER SRI. GIKKU JACOB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 1019 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE RECEIPT DATED 06.08.2014 OF THE FIRST RESPONDENT

EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 20.11.2014 ISSUED BY THE THIRD RESPONDENT

EXHIBIT P3: TRUE COPY OF THE LETTER DATED 27.12.2014 ISSUED BY THE THIRD RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 03.12.2014 ISSUED BY THE FIRST RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE RECIEPT DATED 9.2.2015

RESPONDENT(S)' EXHIBITS:-

EXHIBIT R1(a): TRUE COPY OF THE SALE PROCLAMATION DATED 05.07.2014 IN E.P. NO. 308/2012 ISSUED BY THE SALE OFFICER OF THE BANK

EXHIBIT R1(b): TRUE COPY OF THE REPRESENTATION DATED 06.08.2014 FILED BY THE THIRD PETITIONER ON BEHALF OF THE 1ST PETITIONER

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 1019 OF 2015

Dated this the 9th day of March, 2015

JUDGMENT

The petitioners have already remitted the sum of Rs. 1,00,000/- with the second respondent pursuant to the interim order. The balance amount due from the petitioners comes to about Rs. 3,17,000/- with future interest. All that the petitioners pray is for easy instalments to pay the amount due and to defer the execution steps.

2. I direct the petitioners to pay the balance amount due in ten equal monthly instalments starting from 31.03.2015. The sale already held shall not be confirmed in favour of the first respondent bank if the petitioners comply with the conditions in time. The sale can be confirmed and further proceedings continued if the petitioners commit default in the payment of any one of the instalments as directed.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS