

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYASHTA, 1937

WP(C).No. 1690 of 2015 (I)

PETITIONER(S):

**K.LAKSHMIKUTTY, AGED 76 YEARS,
W/O.LATE A.GOPALAN, SURESH BHAVAN, KAITHACODE P.O.,
PUTHOOR, KOTTARAKKARA, KOLLAM-691 507.**

BY ADV. SRI.JOSE PALLATTUKARAN

RESPONDENT(S) :

- 1. THE AUTHORIZED OFFICER,
KOLLAM DISTRICT CO-OPERATIVE BANK LTD., HEAD OFFICE,
KOLLAM-691 007.**
- 2. THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD. (MAIN BRANCH),
CHINNAKKADA, KOLLAM,
REPRESENTED BY ITS MANAGER-691 007.**
- 3. THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
PUTHOOR BRANCH, KOTTARAKKARA- 691 007,
REPRESENTED BY ITS BRANCH MANAGER.**
- 4. L.G.SUDHEER,
S/O.LATE A.GOPALAN, SURESH BHAVAN, KAITHACODE P.O.,
PUTHOOR, KOTTARAKKARA, KOLLAM-691 019.**
- 5. DR.L.G.SUBHASH,
S/O.LATE A.GOPALAN, SURESH BHAVAN, KAITHACODE P.O.,
PUTHOOR, KOTTARAKKARA, KOLLAM-691 019.**
- 6. L.G.SULAJA,
D/O.LATE A.GOPALAN, SURESH BHAVAN, KAITHACODE P.O.,
PUTHOOR, KOTTARAKKARA, KOLLAM-691 019.**
- 7. L.G.SUJIMOLE,
D/O.LATE A.GOPALAN, SURESH BHAVAN, KAITHACODE P.O.,
PUTHOOR, KOTTARAKKARA, KOLLAM-691 019.**

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**8. L.G.SURESH BABU,
S/O.LATE A.GOPALAN, SURESH BHAVAN, KAITHACODE P.O.,
PUTHOOR, KOTTARAKKARA, KOLLAM-691 019.**

R1 TO R3 BY ADV. SRI.T.R.HARIKUMAR, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 1690 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF LETTER SENT BY THE 1ST RESPONDENT AND
ALSO THE PAPER PUBLICATION IN MALAYALA MANORAMA
DATED 22.12.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.1690 of 2015

Dated this the 1st day of June, 2015

JUDGMENT

The petitioner impugns SARFAESI proceedings. The petitioner submits that she may be permitted to pay the entire amount in monthly instalments. The petitioner also submits that she is also entitled to get some waiver of interest.

2. Learned counsel for the Bank opposes the prayer of the petitioner.

I am of the view, if the petitioner is entitled for waiver of interest, the petitioner shall approach the Bank. The Bank shall consider the request of the petitioner and if the petitioner is entitled, the same shall be given to him. However, with regard to the prayer for paying the instalments, the petitioner shall pay the entire outstanding

liability in twelve monthly instalments starting from July 2015. If the petitioner commits default in paying any of the instalments, the respondent Bank is at liberty to proceed against the property in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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