

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4615 of 2015 (B)

PETITIONER:

**K.C. MAJEED, S/O. LATE AHAMED,
AGED 50 YEARS, KADAVATH CHERIYAPARAMBIL,
PARIYAPURAM, PACHATRI P.O., TIRUR,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.M.JOSHI,
SMT.SIJI K.PAUL.**

RESPONDENTS:

- 1. THE GENERAL MANAGER (AUTHORISED OFFICER),
MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, MALAPPURAM.**
- 2. THE SECRETARY,
MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
TIRUR BRANCH, TIRUR, MALAPPURAM.**

BY ADV. SRI.ESM.KABEER, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED TH
FOLLOWING:**

rs.

WP(C).No. 4615 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1- THE TRUE COPY OF THE NOTICE OF INSPECTION
DATED 23-12-2014 ISSUED BY ADVOCATE COMMISSION
C.M.P.NO. 3922/2014 OF CJM COURT, MANCHERY.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.4615 of 2015 (B)

.....
Dated this the 13th day of February, 2015

JUDGMENT

The petitioner's father availed of a loan from the respondent Bank, and defaulted in re-payment of the same. It is contended that, thereafter, the petitioner's father died on 07.04.2007 and the said liability fell upon the petitioner as the elder son to effect the re-payment of the loan. It is stated that, between then and now, the petitioner has paid almost Rs.3,50,000/-. The respondent Bank, however, initiated proceedings for recovery of the loan amount and Ext.P1 is the notice issued by the Advocate Commissioner pursuant to the order passed by the Chief Judicial Magistrate, Manjeri to take possession of the immovable property that was offered as security to the respondent bank, for the loan availed by the petitioner. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. Heard Sri.P.M.Joshi, the learned counsel appearing for the petitioner, Sri.E.S.M.Kabeer, learned Standing counsel appearing for the respondents.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I note that the sole

prayer of the petitioner is to permit him to remit the total amount outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:

(i) The total amount outstanding from the petitioner to the respondent bank is stated to be Rs.7,18,395/- together with accrued interest. Accordingly, if the petitioner remits an amount of Rs.7,18,395/- together with accrued interest in twelve equal and successive monthly installments commencing from 10.03.2015, then, the recovery steps initiated against the petitioner for recovery of the amounts outstanding to the Bank shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefits of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE