

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. 4738 of 2015 (N)

PETITIONER(S):

**BABY JOY, AGED 38 YEARS
W/O.JOY C., PUTHENKULATH VADAKKATHIL, KUREEPUZHA P.O.
PERINAD, KOLLAM.**

BY ADV. SRI.NISHIN GEORGE VIJAYABABU

RESPONDENT(S):

**THE AUTHORISED OFFICER,
THE KERALA STATE CO OPERATIVE BANK LTD.
KOLLAM BRANCH, WATER AUTHORITY BUILDINGS
NEAR COLECTORATE, KOLLAM - 691 013.**

R BY SRI.GEORGE POONTHOTTAM, SC, KERALA STATE CO.OP BANK

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

WP(C).No. 4738 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1. COPY OF PASS BOOK OF THE PETITIONER ISSUED BY THE
RESPONDENT'S BANK IS PRODUCED HERewith BEARING ACCOUNT NUMBER
1301100008976.**

EXHIBIT P2. COPY OF THE SALE NOTICE DATED 19.01.2014.

RESPONDENT(S)' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.4738 OF 2015 (N)

Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner, whose husband had availed of a loan from the respondent bank and defaulted in repayment of the same, has approached this Court in the wake of the action of the respondent bank to sell the property, which is the residential house in which the petitioner along with her two children are residing. Ext.P2 is the sale notice issued by the respondent bank. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.Nishin George Vijayababu, the learned counsel appearing for the petitioner as also Sri.George Poonthottam, the learned Standing counsel appearing for the respondent Bank.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit her to remit the balance amounts

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 overdue amount in respect of the loan, is stated to be Rs.1,81,000/-. Accordingly, if the petitioner remits an amount of Rs.10,000/- on or before 18.2.2015, and then remits the balance overdue amount of Rs.1,71,000/- together with accrued interest in eight equal and successive monthly installments commencing from 20.3.2015, and continues to keep up the regular installment payment as per the original loan schedule, then the recovery steps initiated against her by the respondent 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, she will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against her from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp