

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 5411 of 2015 (B)

PETITIONER :

**KRISHNAIYYAN, AGED 63 YEARS,
S/O.SUKUMARAN, THAI VEETIL, CHERUKARA P.O.,
KAVALAM VILLAGE, ALAPPUZHA DISTRICT.**

**BY ADVS.SMT.GISA SUSAN THOMAS
N.LEELAMAN I
SMT.NEENU.P.KUMAR
SMT.K.S.SHALEEJA
SRI.G.SIJI**

RESPONDENTS :

- 1. KERALA STATE CO-OPERATIVE BANK LTD,
ALAPPUZHA BRANCH-688 001, REP. BY ITS MANAGER.**
- 2. THE AUTHORISED OFFICER,
KERALA STATE CO-OPERATIVE BANK LTD., REGIONAL OFFICE
ANADHI BUILDING, PULLEPADY JUNCTION, CHITTOOR RAOD,
ERNAKULAM, KOCHI-682035.**

BY SRI.GEORGE POONTHOTTAM, SC,

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE CERTIFICATE DT 23/8/2011 ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, NEELAMPEROOR.
- P2: COPY OF THE EXTRACT OF THE ACCOUNT DETAILS.
- P3: RECEIPTS ISSUED BY THE RESPONDENT BANK.
- P4: COPY OF THE AUCTION SALE NOTICE DT 15/2/2010 ISSUED BY THE RESPONDENT BANK.
- P5: COPY OF THE REPRESENTATION DT 3/2/2012.
- P6: COPY OF THE LETTER DT 9/1/2015 ISSUED BY THE RESPONDENT BANK.
- P7: COPY OF THE AUCTION SALE NOTICE DT 4/2/2015 ISSUED BY THE R2.
- P8: COPY F THE OBJECTION DT 11/2/2015 FILED BY THE PETITIONER.
- P9: COPY OF THE NOTICE PUBLISHED IN MATHRUBHUMI DAILY DT 4/2/2015.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.5411 of 2015 (B)

.....
Dated this the 20th day of February, 2015

JUDGMENT

The petitioner, who had availed of a loan from the 1st respondent Bank in the year 2005, defaulted in re-payment of the same. When the petitioner became a defaulter, the respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P7 is the auction notice issued to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Smt.Gisa Susan Thomas, the learned counsel appearing for the petitioner and Sri.George Poonthottam, learned Standing counsel appearing for the respondents.

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 him to remit the entire 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 due in respect of the agricultural loan from the petitioner to the

Bank is stated to be an amount Rs.10,06,658/- together with accrued interest. Accordingly, if the petitioner remits the said amount of Rs.10,06,658/- together with accrued interest in ten equal and successive monthly installments commencing from 10.03.2015, then, the recovery steps initiated against him 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, 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

AMV/20/02/