

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 9327 of 2014 (M)

PETITIONER:

MARIYAKUTTY, W/O.LATE UNNI HASSAN, AGED 65 YEARS
MELETHODIKA HOUSE, ERUMAMUNDA, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
MALAPPURAM, PIN: 675 505.
2. THE ERNAD PRIMARY CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK LTD., MANJERI
REPRESENTED BY ITS SECRETARY, PIN: 676 121.
3. THE BRANCH MANAGER,
ERNAD PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.
NILAMBUR BRANCH, MALAPPURAM DISTRICT, PIN: 679 329.

R2 BY ADV. SRI.V.RAJENDRAN
R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-01-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE DEATH CERTIFICATE OF THE LATE HUSBAND OF THE PETITIONER ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, CORPORATION OF CALICUT DATED 8/7/2004.

EXT.P2: TRUE COPY OF THE NOTICE ISSUED BY THE VILLAGE OFFICER TO SMT.REETHA BENNY DATED 4/12/2013.

EXT.P3: TRUE COPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT DATED 8/5/2013.

RESPONDENT(S)' EXHIBITS

EXT.R2(a) TRUE COPY OF THE LETTER DATED NIL OF THE FIRST RESPONDENT TO REGISTRAR OF THE CO-OPERATIVE SOCIETIES, MALAPPURAM.

EXT.R2(b) TRUE COPY OF THE LETTER DATED 20.2.2014 ISSUED BY THE VILLAGE OFFICER TO THE BANK.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.9327 of 2014

Dated this the 13th day of January, 2015

J U D G M E N T

All that the petitioner prays is for easy instalments to pay the amount due to the second respondent Bank. The fact remains that the property of the petitioner has been sold for the dues and bid in auction by the second respondent Bank itself. The Bank is not averse to re-deliver the property to the petitioner provided the entire dues including the expenses incurred for the sale is duly paid.

2. I permit the petitioner to pay the amount due in 8 equal monthly instalments starting from 16.2.2015. The property purchased by the second respondent Bank shall not be alienated if the instalments are paid in time as directed. The second respondent Bank is free to resort to further coercive steps if any one of the instalments are defaulted by the petitioner.

3. It is made clear that any sale subsequent to the mortgage created for the loan will not affect the right of the second respondent Bank.

4. The second respondent Bank shall issue a

statement of accounts to the petitioner within three weeks. The instalment facility shall be on the basis of the statement of accounts so furnished.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.