

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 14080 of 2015 (H)  
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PETITIONER : -  
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LAILA, W/O.RAFI,  
CHIRAPARAMBIL HOUSE, PALLOOR VILLAGE,  
THALAPPILLY TALUK, P.O.PALLOOR,  
THRISSUR DISTRICT.

BY ADVS.SRI.P.VIJAYABHANU (SR.)  
SMT.M.M.DEEPA

RESPONDENTS : -  
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1. THALAPPILLY TALUK PRIMARY CO-OPERATIVE AGRICULTURAL RURAL  
DEVELOPMENT BANK, LTD (No. R 1354),  
REPRESENTED BY ITS SECRETARY, WADAKKANCHERY,  
THRISSUR DISTRICT. 680 582.
2. SALE OFFICER,  
THALAPPILLY TALUK PRIMARY CO-OPERATIVE AGRICULTURAL  
RURAL DEVELOPMENT BANK LTD (NO.1354),  
REPRESENTED BY ITS SECRETARY,  
WADAKKANCHERY, THRISSUR DISTRICT. 680 582.
3. RAFI, S/O.CHIRAPARAMBIL RAFI,  
CHIRAPARAMBIL HOUSE,  
PALLOOR VILLAGE, THALAPPILLY TALUK, P.O.PALLOOR,  
THRISSUR DISTRICT. 680 584.

R1 BY ADV.SRI.DILIP J. AKKARA  
BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14080 of 2015 (H)  
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**APPENDIX**

PETITIONER'S EXHIBITS : -  
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EXHIBIT P1 : TRUE COPY OF THE NOTICE DATED 13.04.2015 ISSUED BY THE 2ND  
RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.  
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// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 14080 of 2015**  
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Dated this the 09<sup>th</sup> day of July, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is the wife of third respondent, who is her husband and borrower from the first respondent Bank is said to be stationed presently abroad. The petitioner has filed the present writ petition assailing Exhibit P1 sale notice against the third respondent's mortgaged property, for the default he has committed in repaying the loan.

3. The learned counsel for the petitioner has submitted that since the third respondent, the husband, is abroad, the petitioner is willing to discharge the debt incurred by him, in instalments though.

4. This Court cannot expand the jurisdiction of Article 226 to compel the respondent Bank to accept the repayment in instalments, evidently, against the terms of the contract. To the credit of the respondent Bank, it has, having realized the futility of long-drawn recovery process, has readily agreed through its learned counsel to accept the outstanding loan amount from the petitioner on behalf of the third respondent through instalments.

5. In the facts and circumstances, as has been mutually agreed by both the learned counsel for parties on either sides, this Court disposes of the writ petition directing the petitioner to repay the outstanding loan amount of the third respondent to the first respondent Bank in four equal monthly instalments beginning from September 2015. Needless to observe, if any default is committed in repaying the loan amount as per the mutually agreed repayment schedule, the respondent Bank is at liberty to proceed

further without reference to this judgment.

With the above observation, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU  
JUDGE**

DMR/-