

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 17382 of 2015 (W)

PETITIONER:

MADHAN MOHAN S., AGED 40, S/O. SURENDRAN,
'MOHAN BUNGLOW', ELIPPOTTUKONAM,
NOW RESIDING AT 'APARNA NIVAS',
PASUKOTTUKONAM, AMARAVILA P.O.,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI. RAJESH P. NAIR

RESPONDENTS:

1. THE NEYYATTINKARA HOUSING CO-OPERATIVE SOCIETY
T-385, REPRESENTED BY ITS SECRETARY,
NEYYATTINKARA, THIRUVANANTHAPURAM 695 011.
2. THE SECRETARY, THE NEYYATTINKARA HOUSING
CO-OPERATIVE SOCIETY, T- 385, NEYYATTINKARA,
THIRUVANANTHAPURAM 695 011.

R1 & R2 BY ADV. SRI. R. T. PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE PHOTOCOPY OF THE DISCHARGE SUMMARY ISSUED BY THE DEPARTMENT OF NEONATOLOGY SURGERY OF KIMS HOSPITAL.
- EXHIBIT P2 : TRUE PHOTOCOPY OF THE EXECUTION PETITION EP.NO.249 OF 2014 IN ARC.NO.67/2010 FILED BEFORE THE LEARNED 1ST ADDITIONAL MUNSIF COURT, NEYYATTINKARA AND TRANSLATION
- EXHIBIT P3 : TRUE PHOTOCOPY OF THE RECEIPTS SHOWING THE REPAYMENTS EFFECTED BY THE PETITIONER AND TRANSLATION.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 17382 OF 2015

Dated this the 23rd day of July, 2015

JUDGMENT

The petitioner confines his relief to easy instalments to pay the amount due to the first respondent Society and to defer the execution proceedings in the meanwhile. The loan has been recalled and the award has been passed in the arbitration case and therefore the loan cannot be regularised at this juncture.

2. I permit the petitioner to pay the balance amount due in twelve equal monthly instalments starting from 31.08.2015. The coercive steps pursuant to Ext.P2 notice shall be put on hold if the petitioner complies with the conditions in time. The coercive steps shall surge ahead if the petitioner commits default in the payment of any one of the instalments.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd