

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 18667 of 2015 (G)

PETITIONERS:-

1. BHAVYAUNNIKRISHNAN ,
W/O.MURALIKRISHNA,
VELAMPARAMBIL HOUSE,
KANJIRAMATTOM P.O., ERNAKULAM - 682 315.
2. ARUN UNNIKRISHNAN,
VELAMPARAMBIL HOUSE, KANJIRAMATTOM P.O.,
ERNAKULAM - 682 315.

BY ADV.SRI.B.VJOY SANKAR

RESPONDENTS:-

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
ERNAKULAM - 682 018.
3. THE AMBALLUR SERVICE CO-OPERATIVE BANK LTD.,
ERNAKULAM, REPRESENTED BY ITS SECRETARY,
KANJIRAMATTOM - 682 315, ERNAKULAM.
4. SECRETARY,
AMBALLUR SERVICE CO-OPERATIVE BANK LTD.,
KANJIRAMATTOM - 682 315, ERNAKULAM.

R3 BY ADV.SRI.V.MKURIAN
BY GOVERNMENT PLEADER SRI. RAMPRASAD UNNI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18667 of 2015 (G)

APPENDIX

PETITIONERS ' EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE AWARD DATED 29.04.2015.

EXHIBIT P1(A) : TRANSLATION OF EXHIBIT P1.

EXHIBIT P2 : TRUE COPY OF THE AWARD DATED 29.04.2015.

EXHIBIT P2(A). : TRANSLATION OF EXHIBIT P2.

RESPONDENTS' EXHIBITS : - NIL

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 18667 of 2015

Dated this the 28th day of July, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned counsel for the respondents, 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 petitioners, who availed themselves of a personal loan of Rs.5,000/- each from the third respondent Bank for the purpose of starting some business, committed default in course of time.

3. Ventilating the grievance that the petitioners could not repay the loan amount owing to stringent financial constraints faced by them and that in the meanwhile the respondent Bank has been taking recovery proceedings against them, the petitioners have filed the present writ

petition.

4. The learned counsel for the petitioners has submitted that at no point of time have the petitioners got any intention of evading the loan. On the other hand, the petitioners, contends the learned counsel, are willing to pay the entire amount due, in instalments. The learned counsel has fairly submitted that though the petitioners could not as a matter of right insist on their paying the loan amount in monthly instalments, purely owing to financial constraints, they have sought the intervention of this Court.

5. The learned counsel for the respondent Bank, having initially opposed the claims and contentions of the petitioners, has eventually consented, based on instructions, that if the petitioners undertake to pay the entire amount outstanding in the loan account in three equal monthly instalments, the Bank is willing to accept the same.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned counsel for the respondents, this Court disposes of the present writ petition with a direction that the petitioners pay the entire amount outstanding in the

loan accounts in three equal monthly instalments beginning from 1st September, 2015. It is made abundantly clear that if the petitioners commit any default in paying the EMIs, the respondent Bank is at liberty to proceed further without reference to the present judgment.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-