

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 19216 of 2015 (B)

PETITIONER : -

S.KUMAR, AGED 35 YEARS,
S/O.SUSEELAN, EBENEZER COTTAGE,
KALLIMOODU, MANNAMKONAM P.O.,
VELLARAD VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM.

BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE

RESPONDENTS : -

1. NEYYATTINKARA PRIMARY CO-OP.AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.,
NEYYATTINKARA,
REPRESENTED BY THE REGIONAL MANAGER
PIN - 695 023.
2. SPECIAL SALES OFFICER,
NEYYATTINKARA PRIMARY CO-OPERTATIVE AGRICULTURAL & RURAL
DEVELOPMENT BANK LTD., NEYYATTINKARA,
THIRUVANANTHAPURAM - 695 001.

BY ADV.SRI.V.G.ARUN
BY ADV.SRI.T.R.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19216 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : COPY OF SALE PROCLAMATION NOTICE DATED 2.6.2015 ISSUED
BY THE 3rd RESPONDENT AND ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 19216 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondents, 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, having borrowed an amount of Rs.2,50,000/- from the first respondent Bank, committed default in the course of time. When the respondent Bank issued Exhibit P1 sale notice, the petitioner has approached this Court.

3. In response to the submissions made by the learned counsel for the petitioner, the learned counsel for the respondent Bank, on instructions, has submitted that the respondent Bank is willing to provide the facility of instalments for the petitioner to clear off the arrears of the loan amount in three instalments, along with the regular instalments.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the respondents, essentially in the light of the concession made by the learned counsel for the respondent Bank, this Court disposes of the writ petition with a direction to the petitioner to repay the outstanding loan amount to the respondent Bank in three equal monthly instalments beginning from September 2015.

Needless to observe, if any default is committed by the petitioner in repaying the loan amount as per the mutually agreed upon repayment schedule, the respondent Bank is at liberty to proceed further without recourse to this judgment.

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

DAMA SESHADRI NAIDU
JUDGE

DMR/-