

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 23026 of 2015 (C)

PETITIONER:

L.JOHN, AGED 62 YEARS,
SON OF LATE MR. Y.LAVERY, RESIDING AT ZEENAI VILLA,
PRAKALA, KURUVAD, KOTTAKKAL (PO)
THIRUVANANTHAPURAM 695 004.

BY ADVS.SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY
SRI.M.M.SHAJAHAN
SMT.SAVITHA GANAPATHIYATAN
SRI.M.RETHEESHKUMAR

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO OPERATIVE SOCIETIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. NEYYATTINKARA PRIMARY CO OPERATIVE AGRICULTURAL & RURAL
DEVELOPMENT BANK LIMITED,
VAZHUTHOOR, NEYYATTINKARA, PIN 695 121
REPRESENTED BY ITS SECRETARY/MANAGER.
3. SPECIAL SALE OFFICER,
NEYYATTINKARA PRIMARY CO OPERATIVE AGRICULTURAL &
RURAL DEVELOPMENT BANK LIMITED,
NEYYATTINKARA PO, PIN 695 121.
4. ASSISTANT REGISTRAR/VALUATION OFFICER,
NEYYATTINKARA PRIMARY CO OPERATIVE AGRICULTURAL &
RURAL DEVELOPMENT BANK LIMITED,
NEYYATTINKARA PO, PIN 695 121

R2 BY ADV. SRI.V.G.ARUN
R2 BY ADV. SRI.T.R.HARIKUMAR
R BY SRI. K.C. VINCENT, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE LOAN SANCTION ORDER OF RS. 3 LAKHS ISSUED BY THE 2ND RESPONDENT.

P1 (a): TRANSLATION OF EXHIBIT P1.

P2: COPY OF THE LOAN SANCTION ORDER OF RS. 1 LAKHS ISSUED BY THE 2ND RESPONDENT.

P2 (a): TRANSLATION OF EXHIBIT P2.

P3: COPY OF THE AUCTION SALE NOTICE PUBLISHED IN MATHRUBHUMI DAILY.

P3 (a): TRANSLATION OF EXHIBIT P3.

P4: COPY OF AUCTION SALE NOTICE ISSUED BY 3RD RESPONDENT.

P4 (a): TRANSLATION OF EXHIBIT P4.

P5: COPY OF LETTER ISSUED BY THE 4TH RESPONDENT.

P5 (a): ENGLISH TRANSLATION OF EXHIBIT P5.

RESPONDENTS' EXHIBITS:

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 23026 of 2015 (C)

Dated this the 21st day of August, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Government Pleader and the learned counsel for the respondent Bank, apart from perusing the record.

2. The petitioner, a senior citizen, availed himself of two loans for ₹3,00,000/- and ₹ 1,00,000/- respectively from the second respondent Bank and committed default in course of time. When the respondent Bank initiated recovery proceedings and issued notice to bring the mortgaged property for sale, the petitioner has approached this Court.

3. Though the respondent Bank made an effort to sell the property in the auction held pursuant to the sale notice, it seems, no bidder turned up. In the meanwhile, the petitioner's proposal to clear off the accumulated arrears through instalments has been accepted by the respondent Bank, as has been reported by the learned counsel for the respondent Bank.

In the facts and circumstances, having regard to the respective

submissions of the learned counsel for the petitioner, the learned Government Pleader and the learned counsel for the respondent Bank, especially going by the concession made by the learned counsel for the respondent Bank, this Court disposes of the writ petition giving the liberty to the petitioner to pay the accumulated arrears in both the loan accounts in 10 equal monthly instalments, which is in addition to the regular instalments in both the accounts. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

