

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 28688 of 2012 (I)

PETITIONER(S) :

**VEERAN, AGED 65 YEARS,
S/O.(LATE) MAMMU, KUNDUKULAM HOUSE, KURUVATTOOR(P.O),
VALLAPUZHA(VIA), OTTAPPALAM, PALAKKAD DISTRICT.**

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT(S) :

- 1. VALLAPUZHA SERVICE CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS SECRETARY, NELLAYA(P.O), OTTAPPALAM,
PALAKKAD DISTRICT, PIN-679 335.**
- 2. THE REGISTRAR(CO-OPERATIVE SOCIETIES),
OFFICE OF THE REGISTRAR, TRIVANDRUM, PIN-695 001.**

R1 BY ADV. SRI.T.R.RAVI

R2 BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** A TRUE COPY OF THE CIRCULAR NO.49/2010 ISSUED BY
THE 2ND RESPONDENT DATED 20.08.2010
- EXT.P2:** A TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.1521/2012
DATED 19.01.2012.
- EXT.P3:** A TRUE COPY OF THE RECEIPT FOR REMITTING RS.1 LAKH ISSUED
BY THE 1ST RESPONDENT DATED 13.03.2012.
- EXT.P4:** A TRUE COPY OF THE NOTICE CEP NO.456/07 ISSUED BY
THE 1ST RESPONDENT DATED 31.10.2012.
- EXT.P5:** A TRUE COPY OF THE REPRESENTATION SUBMITTED TO
THE 1ST RESPONDENT BY THE PETITIONER DATED 08.11.2012.
- EXT.P6:** A TRUE COPY OF THE ORDER ISSUED BY THE SPECIAL SALES
OFFICER, VALLAPUZHA SERVICE CO-OPERATIVE BANK LTD.
DATED 11.12.2012.
- EXT.P7:** A TRUE COPY OF RECEIPT NO.344 DATED 28.12.2012 ISSUED BY
THE 1ST RESPONDENT.
- EXT.P8:** THE RELEVANT PORTION OF CIRCULAR NO.1/2014(AASWAS,2014)
ISSUED BY 2ND RESPONDENT DATED 10.01.2014.
- EXT.P9:** A TRUE COPY OF THE REPRESENTATION SUBMITTED TO
THE 1ST RESPONDENT DATED 26.02.2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 28688 of 2012

Dated this the 22nd day of January, 2015

J U D G M E N T

Aggrieved by the coercive action initiated by the respondent bank, the petitioner has come up before this Court.

2. The petitioner availed a loan for ₹2,00,000/- from the 1st respondent bank in the year 2000. Due to financial constraints, he defaulted in repayment. The petitioner points out that the 2nd respondent has issued Ext.P1 Circular No.49/2010 asking Co-operative Banks to give certain relaxations in the matter of repayment of loans up to ₹5,00,000/-. According to the petitioner, he is entitled to the benefit of Ext.P1 circular. The petitioner's grievance is that the 1st respondent is not extending the benefit to the petitioner; and now, the 1st respondent issued Ext.P4 notice demanding ₹6,20,243/- towards arrears. It is with this background, the petitioner has come up before this Court.

3. Arguments have been heard.

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4. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that the petitioner would be able to clear off the debt with the respondent bank if the matter is referred to the Adalath sponsored by the respondent bank.

5. The learned counsel for the respondent bank, inviting my attention to Circular No.5/2015 dated 22.01.2015, submitted that since the loan availed by the petitioner is below ₹10,00,000/-, he can avail the opportunity of settlement by Adalath. It was also submitted that the Adalath is scheduled to be held on 23.02.2015, 28.02.2015 & 03.03.2015.

Therefore, the writ petition is disposed of permitting the parties to settle the case in the Adalath scheduled to be held on any of these days; and if the matter is not settled, the petitioner shall be at liberty to pay off the entire amount together with interest in 10 equal monthly instalments, the first of which would fall on 10.03.2015.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-