

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 25261 of 2014 (G)

PETITIONER(S):

1. SWATHY, AGED 15 YEARS
D/O. LATE V.JOY, SHEEBALAYAM, KOONAYIL
SOUTH PARAVOOR P.O., KOLLAM. (MINOR)
2. ADITHYAN, AGED 10 YEARS
S/O. LATE V.JOY, SHEEBALAYAM, KOONAYIL
SOUTH PARAVOOR P.O.
KOLLAM. (MINOR)
(MINOR PETITIONERS 1 & 2 ARE REPRESENTD BY THEIR GUARDIAN AND
NEXT FRIEND AND GRANDMOTHER, THE 3RD PETITIONER VILASINI,
AGED 66 YEARS,
W/O. LATE GOPINATHAN, SHEEBALAYAM, KOONAYIL
SOUTH PARAVOOR P.O., KOLLAM).
3. VILASINI, AGED 70 YEARS
W/O. LATE GOPINATHAN, SHEEBALAYAM, KOONAYIL
SOUTH PARAVOOR P.O., KOLLAM.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S):

1. M/S.FEDERAL BANK LTD
REPRESENTED BY ITS CHAIRMAN/MANAGING DIRECTOR
HEAD OFFICE, FEDERAL TOWER, ALUVA-683 101.
 2. M/S. PARAVUR SNVRC BANK LTD.NO.1685
REPRESENTED BY ITS SECRETARY, SOUTH PARAVUR P.O.
KOLLAM DISTRICT-691 101.
 3. THE AUTHORIZED OFFICER
M/S. FEDERAL BANK LTD., SOUTH PARAVUR BRANCH-691 301.
 4. THE BRANCH MANAGER
M/S. FEDERAL BANK LTD., SOUTH PARAVUR BRANCH
KOLLAM DISTRICT-691 301.
 5. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
ARBITRATOR-CUM SALE OFFICER, PARAVUR
SNVRC BANK LTD.NO.1685, SOUTH PARAVUR P.O.
KOLLAM DISTRICT-691 301.
 6. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
CIVIL STATION, KOLLAM-691 301.
- R1,R3,R4 BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)
R1,R3,R4 BY ADV. SMT.SALI. P. MATHEW (MUNNAR)
R2 BY ADV. SRI.B.SURESH KUMAR
R2 BY ADV. SMT.C.B.ANUROOPA
R5,R6 BY ADV. GOVERNMENT PLEADER SRI NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1 : COPY OF THE DEATH CERTIFICATE OF MINOR PETITIONER'S MOTHER.
P2 : COPY OF THE DEATH CERTIFICATE OF MINORS' FATHER.
P3 : COPY OF THE TREATMENT CERTIFICATE OF THE 3RD PETITIONER.
P4 : COPY OF THE NOTICE DTD.25.5.2011 SO ISSUED BY THE ADVOCATE
COMMISSIONER APPOINTED BY THE CJM COURT AT KOLLAM.
P5 : COPY OF THE INTERIM ORDER DTD.22.6.2011 IN WPC NO.16225/2011.
P6 : COPY OF THE INTERIM ORDER DTD.17.2.2014 IN WPC NO.3496/2014.
P7 : COPY OF THE DEMAND NOTICE BEARING NO.35/2014 DTD.16.6.2014
ISSUED BY THE ARBITRATOR OF THE 3RD RESPONDENT BANK.
P8 : COPY OF THE SALE NOTICE SO ISSUED BY THE 4TH RESPONDENT DATED
NIL.

RESPONDENT(S) ' EXHIBITS

- ANNEXURE-A: COPY OF THE PLOT OF 22 CENTS SOLD ON 17.09.2014.
ANNEXURE-B: COPY OF VALUATION REPORT SUBMITTED BY MR.D.PRASANNAN
DATED 29.7.2014.
ANNEXURE-C: COPY OF SALE CERTIFICATE ISSUED BY THE AUTHORISED
OFFICER.

/TRUE COPY/

P.S TO JUDGE

P.V.ASHA, J.

W.P(c) No.25261 of 2014-I

Dated this the 22nd day of May, 2015

JUDGMENT

The petitioners and the 2nd respondent have arrived at a settlement in the mediation held on 07.11.2014. The Mediator has forwarded the Memorandum of Settlement.

2. As per the settlement arrived at between the petitioners and the 2nd respondent at the time of mediation on 07.11.2014, the petitioners were to make payment within 3 months. The learned counsel for the petitioners seek extension of further period of six months, which the 2nd respondent does not oppose seriously.

3. Therefore the petitioners are granted six months' time to comply with the conditions in the memorandum of settlement dated 07.11.2014.

4. As far as the dues towards the 1st respondent is concerned, the petitioners seek liberty to move the Debts Recovery Tribunal.

5. Therefore the petitioners are given liberty to move the

Debts Recovery Tribunal. The parties shall maintain status quo for one month. While considering the question of limitation, the Debts Recovery Tribunal shall waive the period during which writ petition was pending before this Court as against the 1st respondent.

The memorandum of settlement will form part of this judgment.

This Writ Petition is accordingly closed.

Sd/-
(P.V.ASHA, JUDGE)

rtr/