IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27742 of 2015 (P)

PETITIONER:

SANTHOSHKUMAR, AGED 38 YEARS,
S/O NATARAJAN, SANTHOSH BHAVAN,
KOTTA (PO), LAKSHAMVEEDU,
KIDANGANNOOR VILLAGE, KOZHANCHERRY TALUK,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.AJITH MURALI
SRI.K.V.ANIL KUMAR

RESPONDENTS:

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1. THE AUTHORIZED OFFICER,
THE PATHANAMTHITTA DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, PATHANAMTHITTA
PIN – 689 645.

2. THE BRANCH MANAGER,
THE PATHANAMTHITTA DISTRICT CO-OPERATIVE BANK LTD.,
KOTTA EVENING BRANCH,
KOTTA, KOZHANCHERRY TALUK,
PATHANAMTHITTA DISTRICT,
PIN – 689 645.

R1&2 BY ADV. SRI.V.PHILIP MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.27742/15

PETITIONER'S EXT:

EXT.P1: COPY OF AUCTION NOTICE DT.11.8.015 PUBLISHED IN MANGALAM DAILY.

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRAN, J.

W.P.(C)No.27742 of 2015

Dated this the 15th day of September, 2015

JUDGMENT

The petitioner, who has availed a consumption loan for Rs.9 lakhs from the 2nd respondent Bank in the year 2011 has filed this writ petition seeking a writ of mandamus commanding the respondents to stay all recovery proceedings pursuant to Ext.P1 notice against his properties and also seeking various reliefs, including a writ of mandamus commanding the respondents to provide him instalment facility so as to clear the dues within a reasonable time.

2. The learned standing counsel for the 2nd respondent Bank would submit that, the total amount outstanding in respect of the consumption loan availed by the petitioner is ₹8,61,000/-, out of which the amount overdue comes to ₹5,40,045/-.

3. I heard the arguments of the learned counsel for the petitioner and also learned standing counsel for the respondent Bank.

4. Considering the facts and circumstances of the case, this writ petition is disposed of directing the petitioner to remit the sum of ₹50,000/- before the 2nd respondent Bank by **10.30 a.m**. on **16.09.2015** and pay balance overdue of ₹4,90,045/- in 8 equal monthly installments commencing from 01.10.2015. If the petitioner is remitting the balance overdue in 8 equal monthly instalments and continuing to pay the regular monthly instalments in respect of consumption loan, all further proceedings pursuant to Ext.P1 auction notice, in so far as it relates to the property offered by the petitioner as security shall be kept in abeyance.

It is made clear that in case of any default on the part of the petitioner in remitting the said amount of ₹50,000/- as well as the monthly instalments, it will be open to the 2nd respondent Bank to proceed further with the recovery steps pursuant to Ext.P1, without any further notice to the petitioner.

ANIL K.NARENDRAN, JUDGE

skr