IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 32188 of 2008 (F)

PETITIONER(S):

MARY GEORGE, W/O.ULAHANNAN GEORGE,
MANGATTUKATTAYIL, NAZRATH HILL P.O., DIST.KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENT(S):

1. THE KURAVILANGAD SERVICE CO-OPERATIVE
BANK LTD., NO.1049, KURAVILANGAD
REPRESENTED, BY THE SECRETARY, KURAVILANGAD
DIST.KOTTAYAM.

2. THE DISPUTE REDRESSAL OFFICER,
KURAVILANGAD SERVICE CO-OPERATIVE BANK, LTD.NO.1049
KURAVILANGAD, DIST.KOTTAYAM.

3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETY, KOTTAYAM.

4. THE SECRETARY TO GOVT.,
CO-OPERATION DEPARTMENT, GOVT. OF KERALA
THIRUVANANTHAPURAM.

R,R1,2 BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
R BY SR. GOVERNMENT PLEADER SHRI.E.M.ABDUL KHADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 32188/2008

PETITIONER'S EXTS:

EXT.P1: A TRUE COPY OF NOTICE NO:473/96 OF 2004

EXT.P2: -DO- AWARD DT.13.11.2007

EXT.P3: -DO- OF APPLICATION DT.22.7.2008 SUBMITTED BY THE PETITIONER

EXT.P4: -DO- DT.28.7.2008

EXT.P5: -DO- COMMUNICATION DT.29.7.2008 ISSUED BY 2ND REPONDENT

EXT.P6: -DO- PETITION DT.25.8.2008 SUBMITTED TO THE 3RD RESPONDENT

RESPONDENTS' EXTS:

EXT.R1A: TRUE COPY OF THE CONTINUING MORTGAGE DEED EXECUTED BY THE PETITIONER DT.22.9.2000

EXT.R1B: -DO- LOAN APPLICATION SUBMITTED BY THE PETITIONER DT.20.1.2003

EXT.R1C: -DO- CIRCULAR REGARDING CROP LOANS ISSUED BY THE KOTTAYAM DISTRICT CO-OPERATIVE FOR THE YEAR 2002-2003

EXTY.R1D: -DO- CIRCULAR REGARDING CROP LOAS ISSUED BY THE KOTTAYAM DISTRICT CO-OPERATIVE FOR THE YEAR 2003-2004

EXT.R1E: THE COPY OF THE PRESCRIBED APPLICATION FORM FOR RENEWAL OF CROP LOAN AS PRESCRIBED BY THE NABARD

EXT.R1F: TRUE COPY OF THE ENGLISH VERSION OF THE DEBT WAIVER AND DEBT RELIEF SCHEME ISSUED BY THE NABARD

EXT.R1G: -DO- MALAYALAM VERSION OF THE SCHEME ISSUED AS CIRCULAR NO:NB(KERALA)NO:CPD/1566/PL-14/2008-09 DT.23.5.2008

EXT.R1H: -DO- GUIDELINE ISSUED UNDER THE DEBT RELIEF SCHEME BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES AS CIRCULAR NO:41/2008 DT.5.6.2008

EXT.R1I: -DO- CIRCULAR ISSUED BY THE DISTRICT CO-OPERATIVE BANK TO THE SETTLEMENT OFFICERS DT.16.7.2008

JJ /TRUE COPY/

P.S.TO JUDGE

K. SURENDRA MOHAN,J.

W.P(C) NO.32188 OF 2008

Dated this the 13th January, 2015.

JUDGMENT

The petitioner had availed a loan of Rs.40,000/- from the first respondent. However, the repayment of the loan is remaining in default. It is submitted that the petitioner would pay the entire amount in instalments. It was only due to circumstances beyond the control of the petitioner and financial difficulties that the amount was not repaid. Reliance is placed by the counsel for the petitioner on the judgment of this Court dated 3.12.2014 in WPC 32214/2008, where a facility to pay in instalments had been granted to the petitioner's husband.

2. Heard the counsel for the petitioner as well as the counsel for the first respondent and the learned Govt. Pleader. Since the petitioner is willing to pay the entire amount, I am

satisfied that a chance to remit the amount in instalments is necessary to be granted. A similar relief has been granted in another case, as rightly pointed out by the counsel for the petitioner.

This writ petition is therefore disposed of permitting the petitioner to pay the entire amount due as per Ext.P2 award in ten equal monthly instalments. The first respondent shall quantify the dues payable by the petitioner as on 31.1.2014 within a period of two weeks of the date of receipt of a copy of this judgment. In accordance with the statement of accounts to be issued by the first respondent, the petitioner shall pay the outstanding amount in ten equal monthly instalments. The first instalment shall be paid on or before 10.2.2015. The subsequent instlaments shall be paid on or before the tenth of each succeeding month thereafter. All coercive proceedings for recovery of the amount due from the petitioner if the amount is not already recovered, shall be kept in abeyance pending payment of the outstanding amount in instalments, as stipulated above. It is made clear that in the event of the petitioner committing default in payment of any two consecutive instalments, she shall forfeit the benefit of the above directions and that the recovery proceedings shall be revived and shall be continued. On payment of the entire outstanding amount in ten instalments, the bank shall give a statement showing the future interest payable by the petitioner from 31.12.2014, which amount shall be settled by the petitioner in the 11th instalment.

Sd/-
K. SURENDRA MOHAN
Judge

jj /True copy/