

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 28844 of 2015 (E)

PETITIONER : -

LAKSHMANAN, AGED 67 YEARS,
S/O. KOYU, PERUMBAYIL HOUSE,
CHIMBUKADU, KUTHANUR,
PALAKKAD DISTRICT.

BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA

RESPONDENTS : -

1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
ALATHUR, PALAKKAD DISTRICT - 678 101.
2. THE ALATHUR PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LIMITED, NO.P-620,
ALATHUR P.O., PALAKKAD DISTRICT - 678 102,
REPRESENTED BY ITS SECRETARY.
3. THE SENIOR INSPECTOR/SALE OFFICER,
THE ALATHUR PRIMARY CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK LIMITED,
NO.P-620, ALATHUR P.O., PALAKKAD DISTRICT - 678 102.

R2 BY ADV.SRI.P.K.VIJAYAMOHANAN
R2 BY ADV.SRI.NISHIL.P.S.
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28844 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1: TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK OF THE
LOAN ACCOUNT OF THE PETITIONER.

EXHIBIT P2: TRUE COPY OF G.O.(MS)NO.224/14/REV.DATED 30.6.2014.

EXHIBIT P3: TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT
DATED 1.6.2015.

EXHIBIT P3(a): TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND
RESPONDENT DATED 10.6.2015.

EXHIBIT P4: TRUE COPY OF THE SALE NOTICE ISSUED BY THE THIRD
RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE FIRST RESPONDENT DATED 1.9.2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 28844 of 2015

Dated this the 26th day of October, 2015

JUDGMENT

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

2. Briefly stated, the petitioner availed himself of a loan from the second respondent Bank in the year 2011 for agricultural purposes. He has committed default in the course of time.

3. Ventilating his grievance that he could not repay the loan amount owing to his stringent financial constraints and that in the meanwhile the respondent Bank has been initiating recovery proceedings against him, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner has submitted that at no point of time has the petitioner got any intention of evading the loan. On the other hand, the petitioner, according to the learned counsel, is willing to pay the entire amount due, in instalments. He has fairly submitted that though the petitioner could not, as a matter of right, insist on his paying the loan amount in monthly instalments, he has sought the

intervention of this Court purely owing to his financial constraints.

5. The learned counsel for the respondent Bank, having initially opposed the claims and contentions of the petitioner, has eventually consented, based on instructions, that if the petitioner undertakes to pay the entire amount outstanding in the loan account in six equal monthly instalments, the Bank is willing to accept the same.

6. In the facts and circumstances, as has been mutually agreed on by both the parties, this Court disposes of the writ petition directing the petitioner to repay the outstanding loan amount to the respondent Bank in six equal monthly instalments beginning from December 2015.

Needless to observe, if any default is committed by the petitioner in repaying the loan amount as per the repayment schedule mutually agreed on, the respondent Bank is at liberty to proceed further without reference to this judgment. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-