

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 30195 of 2014 (Y)

PETITIONER:

JOSEPH THOMAS, S/O. THOMAS,
AIKULATHU HOUSE, MAMMATTIKANAM P.O.,
RAJAKKAD VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT.

BY ADV. SRI. LATHEESH SEBASTIAN

RESPONDENTS:

1. IDUKKI DISTRICT CO-OPERATIVE BANK LIMITED,
REPRESENTED BY THE GENERAL MANAGER,
HEAD OFFICE, IDUKKI COLONY P.O, IDUKKI-685 602.

2. THE BRANCH MANAGER, IDUKKI DISTRICT
CO-OPERATIVE BANK LIMITED,
RAJAKKAD BRANCH, IDUKKI 685 602.

R1, R2 BY ADV. SRI. P. C. CHACKO, SC, IDUKKI DIST CO OP BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF THE AWARD DATED 11-12-2008
- EXT.P2 - TRUE COPY OF THE SALE PROCLAMATION
- EXT.P3 - TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED 14-02-2011
- EXT.P4 - TRUE COPY OF THE INTERIM ORDER DATED 25-02-2011 IN WPC.NO.6110/2011
- EXT.P5 - TRUE COPY OF THE REPRESENTATION OF THE PETITIONER
- EXT.P6 - TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 26-08-2011
- EXT.P7 - TRUE COPY OF THE JUDGMENT IN WPC.NO.6110/2011 OF THIS HONOURABLE COURT DATED 23-07-2012
- EXT.P8 - TRUE COPY OF THE REPRESENTATION OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R1(a) - TRUE COPY OF THE ORDER DATED 15.12.2010 IN EP NO. 67 OF 2005 IN ADALAT CASE NO. 97/2004 ISSUED BY THE MUNSIFF'S COURT, DEVIKULAM.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 30195 OF 2014

Dated this the 30th day of January, 2015

JUDGMENT

The first respondent bank has itself purchased the property in auction. The auction is conducted in execution of the award obtained by the first respondent bank against the petitioner.

2. The petitioner is now willing to deposit the amount due under the award with interest. The petitioner is also willing to pay the expenses incurred by the first respondent bank for sale and litigation.

3. The sale certificate issued in E.P. No. 67/2005 is accordingly set aside and the property shall be re-conveyed to the petitioner. This is however subject to the condition that the petitioner deposits the entire amount due with interest and also the expenses incurred for sale and litigation.

4. It is open to the first respondent bank to adjust the amount of the petitioner lying in deposit with interest towards the dues. Needless to say that the expenses for re-conveyance of

WP(C) No. 30195/2014

the property shall also be met by the petitioner. The exercise shall be completed within a period of two months from today.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd