

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 32099 of 2015 (J)

PETITIONERS:

1. BIJU T,
S/O. CHANDRASEKHARAN, CHEROOLI HOUSE, EDAKKAD P.O.,
CALICUT -5.
2. BASANTH T.
S/O. CHANDRASEKHARAN, -DO-
3. SARASWATHI,
CHERUKAD, OLAVANNA P.O., CALICUT.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS:

1. THE SPECIAL SALE OFFICER, CALICUT
CITY SERVICE CO-OPERATIVE BANK LIMITED NO. D-2777,
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL),
KOZHIKODE - 673 001.
2. CALICUT CITY SERVIE CO-OPERATIVE BANK LIMITED
NO. D-2777, CHALAPURAM, CALICUT,
REPRESENTED BY ITS GENERAL MANAGER - 673 002.
3. THE GENERAL MANAGER,
CALICUT CITY SERVICE CO-OPERATIVE BANK LIMITED
NO. D-2777, CHALAPPURAM, CALICUT - 673 002.

R2-R3 BY ADV. SRI.B.S.SWATHY KUMAR
R2-R3 BY ADV. SRI.ASHISH MOHAN
R2-R3 BY ADV. SMT.T.RESHMA
R2-R3 BY ADV. SRI.REMYA MURALI
R BY SRI. K.C. VINCENT, SR. GOVERNMENT PLEADER
R BY SRI.SURESH KUMAR KODOTH, KSD.DIST.CO.OP. BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 32099 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1-TRUE COPY OF THE JUDGMENT IN W.P(C) 11693/2014 OF THIS
HON'BLE COURT.

EXHIBIT-P2-TRUE COPY OF THE NOTICE DATED 08/09/2015 ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONERS.

EXHIBIT-P2(A)- ENGLISH TRANSLATION OF EXHIBIT-P2.

EXHIBIT-P3-TRUE COPY OF THE REPRESENTATION DATED 16/10/2015 FILED BY
THE PETITIONERS BEFORE THE 1ST AND 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 32099 of 2015 (J)

Dated this the 29th day of October, 2015.

JUDGMENT

This Court, earlier, in the writ petition filed by the petitioners issued Ext.P1 judgment providing to the petitioners the benefit of ten instalments to pay the loan arrears.

2. In the course of time, having committed further default, the petitioners once again approached this Court by filing the present writ petition seeking re-scheduling of the loan account.

3. Initially, this Court has prima facie observed that in the face of Ext.P1, no fresh writ petition is maintainable, and if the petitioners are advised, they may explore the option of seeking modification of Ext.P1 judgment.

4. Today, the learned counsel for the petitioners has submitted that they have already filed the necessary application seeking modification of Ext.P1.

In the facts and circumstances, I am of the opinion that the writ petition does not survive. It is accordingly closed.

sd/- DAMA SESHADRI NAIDU, JUDGE.

W.P.(C). No.

-2-