

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 32384 of 2015 (W)

PETITIONER : -

SMT. LEKHA KUMARY,
W/O. HAREENDRAN,
RESIDING AT VAIDHYASALA VEEDU,
KILIKOLLOOR P.O., KOLLAM DISTRICT.

BY ADVS. SRI. S. SREEKUMAR (KOLLAM)
SMT. SHEENAMOL VARGHESE

RESPONDENTS : -

1. THE BRANCH MANAGER,
KOLLAM DISTRICT CO-OPERATIVE LTD.,
KILIKOLLOOR BRANCH, KOLLAM DISTRICT, PIN 691004.
 2. THE SPECIAL SALE OFFICER/SENIOR BRANCH MANAGER,
KOLLAM DISTRICT CO-OPERATIVE LTD.,
KILIKOLLOOR BRANCH, KOLLAM DISTRICT, PIN 691004.
- R1-2 BY ADV. SRI. T. R. HARIKUMAR, SC, KOLLAM DISTRICT
CO-OPERATIVE BANK LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT-P1 : TRUE COPY OF THE REGISTERED NOTICE DATED 12.06.2015
ISSUED BY THE SECOND RESPONDENT, SPECIAL SALE
OFFICER/SENIOR BRANCH MANAGER OF THE FIRST RESPONDENT
WITH ENGLISH TRANSLATION.

EXHIBIT-P2 : TRUE COPY OF THE REPRESENTATION DATED 05.10.2015
SUBMITTED BY THE PETITIONER BEFORE THE FIRST
RESPONDENT.

EXHIBIT-P3 : TRUE COPY OF THE MEDICAL CERTIFICATE OF THE PETITIONER
DATED 15.10.2014 ISSUED FROM THE N.S.MEMORIAL INSTITUTE
OF MEDICAL SCIENCES, KOLLAM.

EXHIBIT-P4 : TRUE COPY OF THE DISCHARGE CARD OF THE PETITIONER,
DATED 20.07.2015 ISSUED FROM THE DR.NAIR'S HOSPITAL,
KOLLAM.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 32384 of 2015

Dated this the 18th day of November, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner availed herself of a loan from the first respondent Bank in the year 2010. She has committed default in the course of time.

3. Ventilating her grievance that she could not repay the loan amount owing to her stringent financial constraints and that in the meanwhile the respondent Bank has been initiating recovery proceedings against her, 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 her paying

the loan amount in monthly instalments, she has sought the intervention of this Court purely owing to her financial constraints.

5. The learned Standing 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 ten 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 ten equal monthly instalments beginning from January 2016.

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/-