

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 33194 of 2014 (Y)

PETITIONER :

**P.C.JOSEPH, AGED 59 YEARS,
PAYYAPILLY, THURITHIPURAM, N.PARAVUR,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.S.RAJESH
SRI.M.SHAJU PURUSHOTHAMAN**

RESPONDENTS :

- 1. THE CHATHEDOM SERVICE CO-OPERATIVE BANK LTD.
NO.195, THURITHIPURAM, ERNAKULAM DISTRICT
REPRESENTED BY ITS SECRETARY - 680 667.**
- 2. THE INSPECTOR OF CO-OPERATIVE SOCIETY/SALE OFFICER,
ARBITRATION AND EXECUTION,
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
NORTH PARAVUR, ERNAKULAM DISTRICT, PIN - 683 513.**
- 3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
NORTH PARAVUR, ERNAKULAM DISTRICT, PIN - 683 513.**

BY GOVERNMENT PLEADER SMT. LILLY LESLI.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

WP(C).No. 33194 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 06/12/2014 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER.**

**EXHIBIT P2: COPY OF THE RECEIPT DT 12/1/2015 ISSUED BY THE R1 TO THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 33194 of 2014

Dated this the 16th day of February, 2015

J U D G M E N T

Aggrieved by Ext.P1 notice issued by the 2nd respondent, the petitioner has come up before this Court.

2. The petitioner is the owner of 25.775 cents of property in Puthenveelikara Village, N-Paravur Taluk, Ernakulam. In the year 2003, the petitioner stood as surety for a loan of ₹1,00,000/- availed by one Joseph Michal from the 1st respondent. The property owned by the petitioner was offered as security for the said loan. Due to financial constraints, the principal borrower defaulted in repayments. Therefore, the respondent bank initiated recovery steps filing ARC proceedings against all the borrowers, which resulted in passing of the award against the principal borrowers and sureties with joint and several liability. Following the award, the 2nd respondent initiated execution of the award in EP No.253/2013 against the borrowers. Thereafter, the 2nd respondent issued

Ext.P1 notice for the sale of mortgaged properties in default of payment of a sum of ₹3,01,868/-. Aggrieved by Ext.P1, the petitioner has come up before this Court.

3. This Court, by interim order dated 10.12.2014, stayed the operation of Ext.P1 for a period of one month on the petitioner remitting an amount of ₹50,000/- (Rupees fifty thousand only). This order has been complied with.

4. When the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for permission to repay the balance amount in 12 equal monthly instalments.

Therefore, the writ petition is disposed of permitting the petitioner to clear off the entire liability together with interest in 12 equal monthly instalments starting from 02.03.2015. If the petitioner fails in remitting two instalments consecutively, it shall be open to the respondents to proceed against the petitioner for recovery.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-