

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 36207 of 2015 (A)

PETITIONER : -

JESSY BENNY, W/O.BENNY,
THUNDIYIL HOUSE, CHEMBALAM,
PAMPADUMPARA VILLAGE,
UDUMBANCHOLA, IDUKKI DISTRICT.

BY ADV.SRI.LATHEESH SEBASTIAN

RESPONDENTS : -

1. THE IDUKKI DISTRICT CO-OPERATIVE BANK LIMITED,
REPRESENTED BY THE GENERAL MANAGER, HEAD OFFICE,
IDUKKI COLONY P.O., IDUKKI 685 602.
2. THE SPECIAL SALE OFFICER,
IDUKKI DISTRICT CO-OPERATIVE BANK LIMITED,
IDUKKI COLONY P.O., IDUKKI 685 602.
3. THE ASSISTANT REGISTRAR,
CO-OPERATIVE SOCIETIES,
UDUMBANCHOLA, NEDUMKANDAM,
IDUKKI DISTRICT - 685 586.

R1 BY ADV.SRI.P.C.CHACKO, SC
BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 36207 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 2ND
RESPONDENT DATED 16/11/2015.

EXHIBIT P2 : TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT
DATED 16/11/2015.

EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED
16/11/2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 36207 of 2015

Dated this the 01st day of December, 2015

JUDGMENT

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

2. Briefly stated, the petitioner availed herself of a loan from the Nedumkandam branch of the first respondent Bank. 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 seven 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 seven 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/–