IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY,THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 37740 of 2015 (N)
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PETITIONER: -
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PRAKASH KUMAR, AGED 39 YEARS,
THUNDUVILLA HOUSE,
KARAVALOOR P.O., PATHANAPURAM,
KOLLAM DISTRICT.

BY ADV. SRI.MANOJ RAMASWAMY

RESPONDENTS: -
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1. THE GENERAL MANAGER,
KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, N.H.-208, CHAINNAKKADA,
KOLLAM-691001.

2. THE BRANCH MANAGER,
KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
PUNALUR BRANCH, PUNALUR, KOLLAM-691305.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES &
ARBITRATOR,
KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
KOLLAM-691003.

BY SRI.T.R.HARIKUMAR, SC, KOLLAM DISTRICT COOPERATIVE BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 37740 of 2015 (N)
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**APPENDIX**

PETITIONER'S EXHIBITS : -
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EXHIBIT P1 : TRUE COPY OF THE AWARDIN ARC 3349/2014.

EXHIBIT P1(a) : TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1.

RESPONDENTS' EXHIBITS : - NIL.
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// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 37740 of 2015**

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Dated this the 18th day of December, 2015

## JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Bank, as well as the learned Government Pleader, 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 himself of a loan from the second respondent Bank on 11.07.2005. He has committed default in the course of time.

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

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

5. The learned 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 five 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 five 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/-