

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 37830 of 2015 (C)

PETITIONER(S):

**SIVANANDAN, AGED 55 YEARS,
S/O.ACHUTHAN, ADIYOLIL HOUSE,
KIZHAKKUMURI, POST KAKKODI VIA,
KOZHIKODE - 673 611.**

**BY ADVS.SMT.R.RANJINI
SRI.M.ASHOK KINI
SMT.NISHITHA B.BHAT**

RESPONDENT(S):

**KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.,
(REG.NO.F 1635) HEAD OFFICE (RECOVERY DIVISION),
P.B.NO.503, KALLAI ROAD, P.O. CHALAPPURAM,
KOZHIKODE - 673 002, REP.BY ITS AUTHORISED OFFICER.**

BY ADV. SRI.R.SUDHISH, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 37830 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: THE PHOTOCOPY OF POSSESSION NOTICE DTD.4.2.2015.

**EXT.P2: THE PHOTOCOPY OF THE NOTICE ISSUED BY THE ADVOCATE
COMMISSIONER IN CMP NO.21191/2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.37830 of 2015
.....
Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner who is stated to be a co-owner of property that was mortgaged for the purposes of availing a loan, seeks only to discharge the liability due to the respondent bank in instalments.

2. I have heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondent bank.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the balance amounts outstanding to the bank in easy instalments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the
to the respondent bank, in respect of the loan

availed by mortgaging the property in question, is stated to be Rs.10,30,826/- together with accrued interest. Accordingly, if the petitioner discharges the aforesaid liability of Rs.10,30,826/- together with accrued interest in 12 equal and successive monthly instalments commencing from 05.01.2016, then further proceedings for recovery shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

(iii) The respondent bank shall furnish the petitioner with an up-to-date statement of the dues position within 10 days from today so as to enable the petitioner to discharge the liability in accordance with the directions in this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

W.P.(C). No.37830 of 2015