



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23/2/2015

C O R A M

WEB COPY

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.NPD(MD) No.315 of 2015

Rabeeka Beevi

... Petitioner /Appellant/2nd Defendant

Vs

1. The Arbitrator/
Deputy Registrar of Co-operative Societies
W.C.C.College
Nagercoil
Vadaserry Village
Agasteeswaram Taluk
Kanyakumari District 629 002.

2. The Co-operative Sub-Registrar
Execution and Liquidation
O/o. The K.D.C.C.Bank Ltd
Elankadai Branch
Kottar Post
Nagercoil.

3. The Branch Manager
K.D.C.C.Bank Ltd
Kanyakumari
Kanyakumari Village
Agasteeswaram Taluk
Kanyakumari District.

... Respondents/Respondent/ Plaintiffs

Petition filed under Article 227 of the Constitution of India against the judgment and decree passed in C.M.A.(CS) No.38 of 2004 on the file of the Tribunal Judge, Co-operative Cases, Nagercoil (District Judge, Kanyakumari at Nagercoil) dated 23/12/2010, confirming the order of award mortgage dated 15/4/2004 in A.R.C.No.2487/03-04 passed by the Deputy Registrar of Co-operative Societies, Nagercoil.

For petitioner

... Mr.M.P.Senthil

O R D E R

The revision petitioner is the guarantor in the mortgage transaction, who suffered an arbitral award. The revision petitioner's husband had borrowed Rs.2 lakhs in the year 2000 and mortgaged the suit property. As <https://hcservices.ecourts.gov.in/hcservices/> there was no redemption, an award was passed and final notice has been issued. As per the said notice, the amount outstanding with interest till 31/3/2005 is Rs.6,53,219/-.



2. Though the revision is not maintainable against the impugned order, as the petitioner has only seeking time for repayment of the loan, this Court is inclined to direct the petitioner to pay 50% of the amount stated in the final notice within a period of eight weeks from the date of receipt of the copy of this order. Till such time, the respondent is restrained from taking any action pursuant to the award passed. It is open to the respondents to proceed with the property, if the above said 50% is not deposited within a period of eight weeks from the date of receipt of the copy of this order. The petitioner also undertakes to settle the balance amount within a reasonable time.

3. With the above observation and direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To
The Co- Operative/ District Judge, Tribunal Judge,
Co-operative Cases, Nagercoil
(District Judge, Kanyakumari at Nagercoil

+1cc to M/S. M.P.Senthil, Advocate in SR.No. 8615

TS/02.03.2015/2P-3C

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