IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE SATHISH NINAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2020/25TH AGRAHAYANA, 1942

W.P.(C)No.11355 OF 2020(T)

PETITIONER:

SULEKHA M.V., AGED 62 YEARS,
W/O.P.R SOURABHAN, ANATHANYIL HOUSE,
ARACHARICKAL, MALAYALAPPUZHA, ERAM P.O,
PATHANAMTHITTA DISTRICT 689 664.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.

2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION,
THYCAUD, THIRUVANANTHAPURAM 695 014.

3 THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL),
PATHANAMTHITTA 689 645.

4 KUMPLAMPOIKA SERVICE CO-OPERATIVE
BANK LTD NO.352, KUMPLAMPOIKA P.O,
VADASSERIKKARA P.O, PATHANAMTHITTA 689 661,
REPRESENTED BY ITS SECRETARY.

5 THE KERALA CO-OPEREATIVE DEPOSIT
GUARANTEE FUND BOARD, T.C 25/1955(4),
1ST FLOOR, MANJALIKULAM Rd, SANTHI NAGAR,
PULIMOODU, THIRUVANANTHAPURAM 695 001,
REPRESENTED BY ITS SECRETARY.

R4 BY ADV. SRI.SHIJU VARGHESE
GOVERNMENT PLEADER, SMT.MABLE C.KURIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this court aggrieved by the non-payment of the amounts covered under the fixed deposits receipts belonging to the petitioner. The 4th respondent Bank has filed a counter affidavit pointing out that, the Bank is in financial constraints and further expressing the willingness to repay the amount in instalments.

Considering the quantum of the amount involved and the financial crunch pointed out, this writ petition is disposed of directing the 4th respondent to effect payment of the amounts covered under the fixed deposit receipts of the petitioner with the interest accrued thereon in

instalments of Rs.1,00,000/- (Rupees One lakh only) per month, commencing from 07.01.2021.

Writ petition is disposed of accordingly.

Sd/-

SATHISH NINAN

JUDGE

ss

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.016259 DATED 01-01-2016 IN FD NO.605/2015 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P2	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.016260 DATED 01-01-2016 IN FD NO.606/2015 FOR AN AMOUNT OF RS. 1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P3	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.016261 DATED 01-01-2016 IN FD NO.607/2015 FOR AN AMOUNT OF RS. 1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P4	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.016262 DATED 01-01-2016 IN FD NO.608/2015 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P5	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.016257 DATED 01-01-2016 IN FD NO.603/2015 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P6	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.016263 DATED 01-01-2016 IN FD NO.609/2015 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P7	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.0002301 DATED 07-02-2017 IN FD NO.591/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P8	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.0002302 DATED 07-02-2017 IN FD NO.592/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P9	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO.0002300 DATED 07-02-2017 IN FD NO.590/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER**

	WITH THE 4TH RESPONDENT BANK.
EXHIBIT P10	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002299 DATED 07-02-2017 IN FD NO.589/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P11	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002298 DATED 07-02-2017 IN FD NO.588/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P12	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002293 DATED 07-02-2017 IN FD NO.583/2016 FOR AN AMOUNT OF RS. 1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P13	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002294 DATED 07-02-2017 IN FD NO. 584/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P14	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002295 DATED 07-02-2017 IN FD NO.585/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P15	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002296 DATED 07-02-2017 IN FD NO.586/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P16	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002297 DATED 07-02-2017 IN FD NO.587/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P17	**TRUE COPY OF THE DEPOSIT CERTIFICATE NO. 0002292 DATED 07-02-2017 IN FD NO.582/2016 FOR AN AMOUNT OF RS.1,00,000/- DEPOSITED BY THE PETITIONER WITH THE 4TH RESPONDENT BANK.**
EXHIBIT P18	**TRUE COPY OF THE REPRESENTATION DATED 11-03-2020 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT**

	DATED 21-05-2020 OF THE 3RD RESPONDENT DIRECTING THE 4TH RESPONDENT BANK TO TAKE STEPS TO REPAY THE FIXED DEPOSITS OF 3 PERSONS, INCLUDING THAT OF THE PETITIONER.
EXHIBIT P20	**TRUE COPY OF THE DEPOSIT GUARANTEED CERTIFICATE ISSUED BY THE 1ST RESPONDENT.**