IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946

WP(C) NO. 11793 OF 2024

PETITIONERS:

1 THRESIAMMA ABRAHAM
AGED 71 YEARS
W/O LATE A.K. ABRAHAM, ANITHOTTATHIL HOUSE,
KAROOR.P.O., PALA., PIN - 686574

2 THOMASKUTTY ABRAHAM
AGED 50 YEARS
S/O LATE A.K. ABRAHAM, ANITHOTTATHIL HOUSE,
KAROOR.P.O., PALA., PIN - 686574

3 ANJU THOMAS
AGED 40 YEARS
W/O THOMASKUTTY ABRAHAM, ANITHOTTATHIL HOUSE,
KAROOR.P.O., PALA., PIN - 686574

BY ADVS.
PAUL ABRAHAM VAKKANAL
ABRAHAM VAKKANAL (SR.)
VINEETHA SUSAN THOMAS
ANIRUDH INDUKALADHARAN

RESPONDENTS:

1 SPECIAL SALE OFFICER
THALAPPALAM SCB GROUP,
ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
(GENERAL), MEENACHIL, PALA., PIN - 686575

2 THE VALAVOOR SERVICE CO-OPERATIVE BANK LTD. NO. K 91
VALLICHIRA POST, VALAVOOR, KOTTAYAM,
REPRESENTED BY ITS SECRETARY., PIN - 686635
BY ADVS.
SHAJI THOMAS
JEN JAISON(K/000208/2017)
SRI. JUSTINE JACOB -SR. GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT
Dated this the 1st day of August, 2024

The above writ petition is filed seeking for a direction to quash Exhibits P1 to P6 demand notices issued by the first respondent.

2. The brief facts of the case are as follows:

The petitioners 2 and 3 had availed 3 bank loans totalling to an amount of Rs.45 Lakhs from the second respondent Bank by mortgaging the property belonging to the first petitioner. On committing default in payment of the said loan accounts, the second respondent had initiated arbitration proceedings as ARC Nos. 2090, 2066 and 2071 of 2022 and obtained awards. Thereafter, notices were issued to the petitioners demanding the outstanding amounts totalling to Rs.1,05,43,443/- as on 16.02.2024. Pursuant to the interim order of this Court dated 21.03.2024, the petitioners remitted an amount of Rs.15,00,000/-.

3. The learned Standing Counsel for the second respondent submitted that though it is stated that Rs.15 lakhs

was remitted by the first petitioner, the second respondent is not aware of the remittance of these amounts and passing of the interim order dated 21.03.2024.

4. The learned counsel for the petitioners submits that they may be permitted to clear the entire liability in 30 equal monthly installments. The learned Standing Counsel for the second respondent bank submits that, if the petitioners would remit the entire amount in ten equal monthly installments, the instalment facility can be granted to them.

However, considering the fact that the total outstanding amount is Rs.1,05,43,443/-, as on 16.02.2024, I am of the opinion that the writ petition can be disposed of by directing the petitioners to remit the amounts in twenty equal monthly instalments.

Accordingly, the writ petition is disposed of as follows:

(i) The petitioners are permitted to remit the total outstanding amount of Rs.1,05,43,443/- as on 16.02.2024, along with future interest and costs in twenty equal monthly installments commencing from 01.09.2024. The subsequent installments shall be paid on the first day of each succeeding month.

(ii) In case the petitioners make a default in payment of any one of the installments as aforesaid, the respondents will be free to proceed with, in accordance with law.

(iii) In order to enable the petitioners to repay the amount as above, coercive steps pursuant to Ext.P1 to P6 shall be kept in abeyance.

Sd/-

SHOBA ANNAMMA EAPEN

JUDGE

RK

APPENDIX OF WP(C) 11793/2024

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE DEMAND NOTICE NO. E.A.NO. 74/2024 DT. 16-2-2024 ISSUED BY R1 IN RESPECT TO LOAN NO. LPL 346 TO THE 3RD PETITIONER.**
Exhibit P2	**TRUE COPY OF THE DEMAND NOTICE NO. E.A.NO. 74/2024 DT. 16-2-2024 ISSUED BY R1 IN RESPECT TO LOAN NO. LPL 346 TO THE 1ST PETITIONER.**
Exhibit P3	**TRUE COPY OF THE DEMAND NOTICE NO. E.A.NO. 72/2024 DT. 16-2-2024 ISSUED BY R1 IN RESPECT TO LOAN NO. LPL 281 TO THE 2ND PETITIONER.**
Exhibit P4	**TRUE COPY OF THE DEMAND NOTICE NO. E.A.NO. 72/2024 DT. 16-2-2024 ISSUED BY R1 IN RESPECT TO LOAN NO. LPL 281 TO THE 1ST PETITIONER.**
Exhibit P5	**TRUE COPY OF THE DEMAND NOTICE NO. E.A.NO. 71/2024 DT. 16-2-2024 ISSUED BY R1 IN RESPECT TO LOAN NO. DL 5364 TO THE 3RD PETITIONER.**
Exhibit P6	**TRUE COPY OF THE DEMAND NOTICE NO. E.A.NO. 71/2024 DT. 16-2-2024 ISSUED BY R1 IN RESPECT TO LOAN NO. DL 5364 TO THE 1ST PETITIONER.**
Exhibit P7	**TRUE COPY OF THE FIXED DEPOSIT RECEIPT DT. 3-10-2023 FOR A/C NO. 0511000030562 IN RESPECT OF THE 1ST PETITIONER.**

RESPONDENT EXHIBITS

Exhibit R2(a)	**True photocopy of the Award dated 29.07.2022 in A.R.C No. 2090/2022**
Exhibit R2(b)	**True photocopy of the Award dated 29.07.2022 in A.R.C No. 2066/2022**
Exhibit R2(c)	**True photocopy of the Award dated 29.07.2022 in A.R.C No. 2071/2022**