IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 25TH DAY OF APRIL 2024 / 5TH VAISAKHA, 1946

WP(C) NO. 15372 OF 2024

PETITIONER/S:

SHAJI. S.,
AGED 68 YEARS,
S/O. SREENIVASAN, PADINJARE MADAYIL, KOMMADI,
THUMPOLY P. O., ALAPPUZHA., PIN - 688008

BY ADVS.
B.PRAMOD
BIJU VIGNESWAR
ATHUL M.V.

RESPONDENT/S:

1 THE SALE OFFICER
ALLAPPEY CO-OPERATIVE AGRICULTURE & RURAL DEVELOPMENT BANK LTD., ALAPPUZHA P. O, ALAPPUZHA., PIN - 688001

2 ALLAPPEY CO-OPERATIVE AGRICULTURE & RURAL DEVELOPMENT BANK LTD., ALAPPUZHA P. O ALAPPUZHA. REPRESENTED BY ITS SECRETARY., PIN - 688001

BY ADV VENUGOPALA PANICKER K.N.-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is challenging the recovery proceedings initiated against him under the Kerala Co-operative Societies Act, 1969. The petitioner has availed a credit facility from the respondent Bank and consequent to the default committed by the petitioner in repaying the amount, the said account is declared as NPA. Accordingly, recovery proceedings have been initiated which is impugned in this writ petition.

2. Heard.

3. The learned counsel appearing for the Bank submits that as on date, an amount of Rs.5,47,152/- is outstanding. It is submitted by the learned counsel for the Bank upon instructions that they are amenable for granting an opportunity to the petitioner to repay the said amount in reasonable monthly instalments.

In such circumstances, this writ petition is disposed of granting an opportunity to the petitioner

to clear the entire amount along with interest, in ten equal monthly instalments commencing from 01.06.2024 onwards. The subsequent instalments shall be paid by the petitioner on first day of every month. In case of default on the part of the petitioner in payment of any of the instalments, the aforesaid facility shall stand cancelled, upon which the Bank will be at liberty to proceed with the recovery proceedings. Subject to the above direction, the recovery proceedings against the petitioner is directed to be kept in abeyance.

Sd/-

ZIYAD RAHMAN A.A.

JUDGE

msp

APPENDIX OF WP(C) 15372/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE PAYMENT RECEIPT DATED 27.10.2023 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
Exhibit P2	TRUE COPY OF THE SALE NOTICE DATED 14.02.2024 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.