IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

WEDNESDAY, THE 2ND DAY OF APRIL 2025 / 12TH CHAITHRA, 1947

WP(C) NO. 7009 OF 2025

PETITIONER:

DILEEPKUMAR K R
AGED 51 YEARS
S/O. RAGHAVAN KARAYIL HOUSE, PUTHENPALLI, IRINGAPPURAM
P.O., GURUVAYOOR, THRISSUR DISTRICT, PIN – 680 103.

BY ADV P.RAMACHANDRAN

RESPONDENTS:

1 KOTTAPPADI SERVICE CO-OPERATIVE BANK LTD.NO.R 210
KOTTAPPADI P.O., THAMPURANPADI, THRISSUR DISTRICT
REPRESENTED BY ITS SECRETARY., PIN – 680 505.

2 ARBITRATOR/UNIT INSPECTOR,
GURUVAYOOR, O/O.ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) CHAVAKKAD, THRISSUR DISTRICT - 680 506.

3 SPECIAL SALE OFFICER
KOTTAPPADI SCB GROUP ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) CHAVAKKAD, THRISSUR DISTRICT,
PIN – 680 506.

BY ADVS.
ABRAHAM MATHAN
C.B.JITHIN(K/337/2016)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The loan availed by the petitioner from the 1st respondent Society fell in arrears. The Society initiated arbitration proceedings under the Kerala Co-operative Societies Act, 1969. Ext.P1 is the Award, Ext.P2 is the attachment notice and Ext.P3 is the sale notice. The petitioner has filed this writ petition for a direction to the 1st respondent to permit him to pay the amount covered by Ext.P1 Award in 24 equal monthly instalments.

2. This Court, on 20.02.2025, ordered that, if sale takes place pursuant to Ext.P3, its confirmation shall stand deferred for a period of one month. The said order was extended on 20.03.2025.

3. When the writ petition came up for consideration today, the learned Counsel for the Society, on instructions, submitted that, as on 28.03.2025, an amount of Rs.11,21,491/- is outstanding in the loan account of the petitioner and the petitioner can be permitted to pay the said amount in reasonable instalments.

4. The learned Counsel for the petitioner submits that the petitioner may be permitted to pay the outstanding amount in 20 equal monthly instalments.

5. In the facts and circumstances of the case, this writ petition is disposed of with the following directions:-

a) The petitioner shall pay the outstanding amount of Rs.11,21,491/- along with accrued interest and applicable charges in 20 equal

monthly instalments commencing from 02.05.2025.

b) If the petitioner defaults payment of any of the instalments, it will be open to the Society to proceed against him in accordance with law.

c) To enable the petitioner to pay the amount in instalments as aforesaid, all coercive proceedings against the petitioner shall stand deferred.

Sd/-

MURALI PURUSHOTHAMAN

JUDGE

SRJ

APPENDIX OF WP(C) 7009/2025

PETITIONER'S EXHIBITS

EXHIBIT -P1	TRUE COPY OF THE AWARD DATED 12.06.2018 IN A.R.C. 333/2018 BEFORE THE 2ND RESPONDENT.
EXHIBIT -P2	TRUE COPY OF THE DEMAND NOTICE IN FORM NO.7 UNDER RULE 81(D) DATED 24.01.2024 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
EXHIBIT -P3	TRUE COPY OF THE SALE NOTICE DATED 29.01.2025 IN FORM NO.8 UNDER RULE 81(E) ALONG WITH NOTICE IN FORM NO.9.
EXHIBIT -P4	TRUE COPY OF THE LOAN LEDGER IN RESPECT OF LOAN NO.HL-48 ISSUED BY THE 1ST RESPONDENT.