

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 14TH DAY OF JULY 2023 / 23RD ASHADHA, 1945

WP(C) NO. 9271 OF 2023

PETITIONER:

MATHEW T.S.,
AGED 63 YEARS,
S/O. VARKEY, THAIKKATTU HOUSE, VATTAPPANA, SANTHANPARA,
IDUKKI DISTRICT, PIN - 685 619.
BY ADV O.D.SIVADAS

RESPONDENTS:

- 1 THE COLLECTOR,
IDUKKI DISTRICT, IDUKKI, PIN - 685 603.
- 2 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
(GENERAL),
PAINAVU PO, PAINAVU, IDUKKI, PIN - 685 603.
- 3 THE AUTHORIZED OFFICER,
KERALA STATE CO-OPERATIVE BANK (KERALA BANK), CREDIT
PROCESSING CENTRE, PB NO.2, IDUKKI COLONY PO,
PIN-685 002.
- 4 THE BRANCH MANAGER,
THE DISTRICT CO-OPERATIVE BANK (LTD.),
SANTHANPARA BRANCH, IDUKKI, PIN - 685 619.
- 5 THE SPECIAL TAHSILDAR (REVENUE RECOVERY),
NEDUMKANDAM IDUKKI DISTRICT, PIN - 685 001.

BY ADVS GILBERT GEORGE CORREYA

SMT.C.S SHEEJA. SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner availed two credit facilities from the respondent Bank. On default being committed, proceedings were initiated against the petitioner under the provisions of the Kerala Revenue Recovery Act to recover amounts due from the petitioner. The learned counsel appearing for the petitioner would submit that the only relief sought for by the petitioner at present is to permit the petitioner to clear the liability in some instalments.

2. The learned counsel appearing for the respondent Bank submits that the outstanding amount in respect of the two loans availed by the petitioner as on 30.06.2023 is Rs.10,04,404/- and that the Bank has no objection in some reasonable instalments being granted to the petitioner.

3. Having regard to the circumstances of the case and the situation now prevailing, apart from the submissions made as recorded above, I am of the view that the petitioner can be granted an opportunity to repay the outstanding amount in eight instalments.

4. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire outstanding amount of Rs.10,04,404/- along with any accrued interest, costs and charges

from the petitioner on the following conditions:

- (i) The outstanding amount of Rs.10,04,404/- (Rupees ten lakhs four thousand four hundred and four only) together with any accrued interest, costs and charges shall be repaid in eight equated monthly instalments.
- (ii) The first instalment shall be paid on or before 31.07.2023 and subsequent instalments shall be paid on or before the last working day of every succeeding months.
- (iii) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with law.
- (iv) In order to enable the petitioner to repay the entire amounts, all coercive proceedings shall be kept in abeyance.

The writ petition is disposed of as above.

Sd/-
GOPINATH P.
JUDGE

DK

APPENDIX OF WP(C) 9271/2023

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE LETTER DATED 4.2.2017 ISSUED BY THE BRANCH MANAGER OF IDUKKI DISTRICT CO-COOPERATIVE BANK TO THE PETITIONER. |
| Exhibit P2 | TRUE COPY OF THE NOTICE ISSUED UNDER SUB SECTION 13(2) OF SARFAESI ACT 2002 BY THE AUTHORIZED OFFICER OF THE IDUKKI DISTRICT CO-OPERATIVE BANK, TO THE PETITIONER. |
| Exhibit P3 | TRUE COPY OF THE NOTICE DATED 27.12.2021 ISSUED BY THE AUTHORIZED OFFICER OF THE KERALA BANK TO THE PETITIONER. |
| Exhibit P4 | TRUE COPY OF THE DEMAND NOTICE PRIOR TO THE REVENUE RECOVERY PROCEEDINGS DATED 31.12.2022 ISSUED BY THE TAHSILDAR, UDUMBANCHOLA TALUK, TO THE PETITIONER. |
| Exhibit P5 | TRUE COPY OF THE COMPLAINT DATED 20.2.2023 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, IDUKKI. |
| Exhibit P6 | TRUE COPY OF THE COMPLAINT DATED 21.2.2023 SUBMITTED BY THE PETITIONER BEFORE THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), PAINAVU, IDUKKI. |
| Exhibit P7 | TRUE COPY OF THE COMPLAINT DATED 21.2.2023 SUBMITTED BY THE PETITIONER BEFORE THE SPECIAL TAHSILDAR, (REVENUE RECOVERY), NEDUMKANDAM, IDUKKI. |