

Mathew Thomas Vs. Koyilandy Co-operative Agricultural and Rural Development Ba

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Court : Kerala

Decided On : Oct-29-2013

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : Mathew Thomas

Respondent : Koyilandy Co-operative Agricultural and Rural Development Ba

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN TUESDAY, THE 29TH DAY OF OCTOBER 2013 7TH KARTHIKA, 1935 WP(C).No. 11720 of 2012 (L) ----- PETITIONER(S): ----- MATHEW THOMAS, AGED 71 YEARS S/O.THOMAS, CHINTHAMANIYIL, PONNUNDAMALA KOORACHUNDU POST, KOZHIKODE DISTRICT. BY ADV. SRI.K.P.SUDHEER RESPONDENT(S): ----- 1. KOYILANDY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LIMITED PERAMBRA BRANCH, KOZHIKODE DISTRICT, PIN 67352 REPRESENTED BY ITS MANAGER.

2. THE SENIOR INSPECTOR/SPECIAL SALE OFFICER THE KOYILANDY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LIMITED NO.D2020 BALUSSERY, KOZHIKODE DISTRICT, PIN 67361.

3. STATE OF KERALA REPRESENTED BY ITS SECRETARY DEPARTMENT OF AGRICULTURE, THIRUVANANTHAPURAM-695001. BY ADV. SRI.B.V.JOY SANKER BY GOVERNMENT PLEADER SRI.P.M.SAMEER THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29.10.2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 11720 of 2012
APPENDIX PETITIONER(S) EXHIBITS EXHIBIT-P1. TRUE COPY OF PASSBOOK OF THE PETITIONER IN RELATION TO THE AGRICULTURAL LOAN AVAILED FROM THE 1ST RESPONDENT BANK. EXHIBIT-P2. TRUE COPY OF FINAL

ORDER

DATED 15.05.2008 PASSED BY THE KERALA STATE FARMERS' DEBT RELIEF COMMISSION, THIRUVANANTHAPURAM IN APPLICATION NO.13350/2007/KK. EXHIBIT-P3. TRUE COPY OF THE DEMAND NOTICE DATED 31.8.2009 ISSUED BY THE 1ST RESPONDENT. EXHIBIT-P4. TRUE COPY OF REPRESENTATION DATED 20.10.2011 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER OF KERALA. EXHIBIT-P5. TRUE COPY OF NOTICE DATED 29.3.2002 ISSUED BY THE 2ND RESPONDENT PROCLAIMING SALE OF PETITIONER'S PROPERTY. //true copy// P.A.To Judge K.VINOD CHANDRAN, J - - - - - W.P.(C).No. 11720 of 2012 - - - - -
- - - - - Dated this the 29th day of October, 2013 - - - - -
- - - - -

JUDGMENT

The petitioner, a defaulter in repaying the loan availed of from the 1st respondent is before this Court challenging the recovery proceedings initiated against him. The liability and the default is admitted and the only contention is against failure to intimate quantification. Considering the facts of the case and the alleged impecunious circumstances of the petitioner, this writ petition is disposed of, on the following term:- (i). The petitioner shall produce a certified copy of this judgment before the 1st respondent within two weeks of receipt of the same. (ii). The 1st respondent shall quantify the amounts due under the various transactions of the petitioner and inform the petitioner in writing the amounts due as on 15.11.2013. (iii). The 1st respondent shall grant seven monthly instalments for the

payment of the balance dues, starting from 15.12.2013. WP(C).11720/12 2 (iv). Recovery proceedings shall be kept in abeyance on condition that the remittances as per this order are made without any default. (v) On the petitioner making two consecutive defaults, the recovery steps initiated shall revive and continue. (vi). On the seventh instalment being satisfied, the 1st respondent shall issue a statement of the interest accrued from 15.11.2013 which shall be satisfied by the petitioner on or before the 15th of the succeeding month. (vii). On the petitioner satisfying the entire arrears, the recovery proceedings shall be unenforceable. Writ Petition is disposed of as above, making it clear that the respondents will be free to proceed with the recovery if the above conditions are not complied with. Sd/- K.VINOD CHANDRAN, Judge mrcs //true copy//

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