

Ramamoorthy K.B Vs. the Alathur Primary Co-op.Agrl.Rural Development Bank Ltd

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Court : Kerala

Decided On : Jan-27-2014

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : Ramamoorthy K.B

Respondent : The Alathur Primary Co-op.Agrl.Rural Development Bank Ltd

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN MONDAY, THE 27TH DAY OF JANUARY 2014 7TH MAGHA, 1935 WP(C).No. 704 of 2014 (K) ----- PETITIONER(S): ----- RAMAMOORTHY K.B, AGED 44 YEARS S/O. BALAKRISHNA PILLAI, VADAKKE VEEDU HOUSE KIZHAKKETHARA, VANDAZHI P.O., ALATHUR TALUK PALAKKAD DISTRICT. BY ADV. SRI.JOHN JOSEPH(ROY) RESPONDENT(S): ----- 1. THE ALATHUR PRIMARY CO-OP.AGRL.RURAL DEVELOPMENT BANK LTD NO.P-620, REPRESENTED BY THE SECRETARY, ALATHUR PALAKKAD DISTRICT-678 541.

2. THE SPECIAL SALE OFFICER/ASST. REGISTRAR OF CO-OP. SOCIETY THE ALATHUR PRIMARY CO-OPERATIVE AGRICULTURAL RURAL DEVELOPMENT BANK LTD. ALATHUR, PALAKKAD DISTRICT-678 541.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES THIRUVANANTHAPURAM-695 001. BY ADV. SRI.P.K.VIJAYAMOHANAN BY ADV. SRI.GILBERT GEORGE CORREYA BY GOVERNMENT PLEADER SMT.K.T.LILLY THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27.01.2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 704 of 2014 (K) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- P1 : COPY OF THE SALE NOTICE ISSUED BY THE 2D RESPONDENT. P2 : COPY OF THE MERCY PETITION DTD.15.11.2013. P3 : COPY OF THE MEMORANDUM GIVEN BY THE DAUGHTER APPENDED TO EXT.P2. P4 : COPY OF THE COMMUNICATION FROM THE OFFICE OF THE HON'BLE CHIEF MINISTER NOW PENDING BEFORE R3. //True Copy// P.A. To Judge K.VINOD CHANDRAN, J ----- W.P.(C).No. 704 of 2014 -----
----- Dated 27th January, 2014 -----

JUDGMENT

The petitioner, a defaulter in repaying the loan availed of from the respondent Bank 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 terms:- (i). The petitioner shall produce a certified copy of this judgment before the respondents within two weeks of receipt of the same. (ii). The respondents shall quantify the amounts due and inform the petitioner in writing the amounts due as on 31.1.2014. (iii). The respondents shall grant eight monthly instalments for the payment of the balance dues, starting from 15.2.2014 (iv). Recovery proceedings shall be kept in abeyance on condition that the remittances as per this order are made without any default. WP(C).704/14 2 (v) On the petitioner making two consecutive defaults, the recovery steps initiated shall revive and continue. (vi). On the eighth instalment being satisfied, the respondents shall issue a statement of the interest accrued from 31.1.2014 which shall be satisfied by the petitioner on 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

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