

**Sumesh Kumar vs Karannur Service Co-Operative Bank Ltd**

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**SooperKanoon Citation :** [sooperkanoon.com/1278106](https://sooperkanoon.com/1278106)

**Court :** Kerala

**Decided On :** Mar-28-2025

**Judge :** Honourable Mr.Justice Murali Purushothaman

**Appeal No. :** WP(C)/8139/2025

**Appellant :** Sumesh Kumar

**Respondent :** Karannur Service Co-Operative Bank Ltd

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947 WP(C) NO. 8139 OF 2025 PETITIONER: SUMESH KUMAR AGED 48 YEARS S/O. K CHOYIKKUTTY, KALATHIL SUMESH VIHAR, ERANHIKKAL P. O, ELATHUR, KOZHIKODE, PIN - 673 303. BY ADV S.K.SAJU RESPONDENTS: 1 KARANNUR SERVICE CO-OPERATIVE BANK LTD. ELATHUR P. O, KOZHIKODE, REPRESENTED BY ITS AUTHORISED OFFICER/MANAGER, PIN - 673 303. 2 SPECIAL SALE OFFICER OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), PUTHIYARA P.O, KOZHIKODE, PIN - 673 004. SRI. SANIL

CHANDRAN K.V. - SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## JUDGMENT

The loan availed by the petitioner from the 1st respondent Society fell in arrears on account of default in payment of installments and the Society initiated arbitration proceedings under the Kerala Co-operative Societies Act, 1969. Ext.P1 is the Award. Pursuant to the Award, Ext.P2 notice prior to the attachment was issued to the petitioner. Pursuant thereto, the petitioner was issued with Ext.P3 notice informing that, if the dues are not cleared, the property would be measured and demarcated for the purpose of auction. The petitioner has filed this writ petition for a direction to the 1st respondent to grant him twenty four months time to repay the entire loan amount.

### 2. Sri.K.V.Sanil Chandran, the learned

Standing Counsel for the Society, on instructions, submits that, as on today (28.03.2025), an amount of Rs.52,90,110/- is outstanding in the loan account of the petitioner and the petitioner can be permitted to pay the said amount in reasonable installments.

3. The learned counsel for the petitioner submits that the petitioner may be permitted to pay the outstanding amount in twenty equal monthly installments.

### 4. In the facts and circumstances of the

case, there will be a direction to the petitioner to pay the outstanding amount of Rs.52,90,110/- in twenty equal monthly installments commencing from 02.05.2025 along with accrued interest and

applicable charges. If the petitioner defaults payment of any of the installments, it will be open to the Society to proceed against him for

recovery of the amount, in accordance with law. To enable the petitioner to repay the amount in installments as above, all coercive proceedings against him pursuant to Ext.P2 shall stand deferred. The writ petition is disposed of.

Sd/- MURALI PURUSHOTHAMAN JUDGE SPR APPENDIX

PETITIONERS EXHIBITS:- EXHIBIT P1 A TRUE COPY OF THE AWARD DATED 24.01.2023 IN ARC NO. 11341/2022. EXHIBIT P2 A TRUE COPY OF THE NOTICE DATED 21.08.2024 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER. EXHIBIT P3 A TRUE COPY OF THE NOTICE DATED 16.01.2025 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER. RESPONDENTS EXHIBITS: NIL.

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