

Vasanthy vs Pattathanam Service Co-Operative Bank Ltd. No.Q 1145

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/5837/2024

Appellant : Vasanthy

Respondent : Pattathanam Service Co-Operative Bank Ltd. No.Q 1145

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 WP(C) NO. 5837 OF 2024 PETITIONER: VASANTHY AGED 69 YEARS W/O.BABU.J, KOCHAIKULAM, BHAVANA NAGAR-277, KADAPPAKKADA, KOLLAM, PIN - 691008 BY ADVS. PRATHEESH.P ANJANA KANNATH RESPONDENTS: 1 PATTATHANAM SERVICE CO-OPERATIVE BANK LTD. NO.Q 1145 PATTATHANAM P.O, KOLLAM - REPRESENTED BY ITS SECRETARY, PIN - 691021 2 THE ARBITRATOR CUM SPECIAL SALE OFFICER OFFICE OF THE ASSISTANT REGISTRAR (GENERAL), CIVIL STATION ROAD, VIDYA NAGAR, KOLLAM, PIN - 691013 BY

ADV Sreeraj M D THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 5837 OF 2024 2

JUDGMENT

When this matter was called today, Sri.Sreeraj M.D. - learned Standing Counsel for the 1st respondent - Bank, submitted that, the total outstanding in the loan account of the petitioner, as on 31.05.2024, is Rs.3,13,267/-; and that if she is willing to pay the same in not more than 15 equal monthly installments, his client will not stand in the way of this Court disposing of this writ petition on such terms.

2. Sri.Pratheesh P. - learned counsel for the petitioner, fully

agreed to the afore and prayed that this writ petition be thus ordered. In the afore circumstances, I allow this writ petition, granting liberty to the petitioner to pay the total outstanding amount in the loan account, namely, Rs.3,13,267/- as on 31.05.2024, with all applicable charges and interest, in 15 equal monthly installments commencing from 30.06.2024. If this is done, the 1st respondent - Bank shall close the loan account and return the security documents to her, on proper receipt. Needless to say, as long as the petitioner pays as per the above directions, all further action pursuant to Ext.P2 will stand deferred; but if she defaults payment of two installments as ordered above, the 1st respondent - Bank will be at full liberty to invoke appropriate remedies for recovery of the total balance amount as per law, without having to WP(C) NO. 5837 OF 2024 3 obtain any further orders from this Court. Sd/- DEVAN RAMACHANDRAN JUDGE MC/31.5 WP(C) NO. 5837 OF 2024 4 APPENDIX OF WP(C) 5837/2024 PETITIONER EXHIBITS Exhibit P1 THE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 27.11.2020 Exhibit P2 THE COPY OF THE AUCTION NOTICE ISSUED BY THE 2ND RESPONDENT UNDER ACT 76 RULE 81 OF THE CO-OPERATIVE SOCIETIES ACT DATED 17.1.2024