

Rathi, vs Decent Junction Service Cooperative Bank Ltd No. 133,

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Court : Kerala

Decided On : Apr-09-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/13451/2024

Appellant : RATHI,

Respondent : Decent Junction Service Cooperative Bank Ltd No. 133,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 9TH DAY OF APRIL 2024 / 20TH CHAITHRA, 1946 WP(C) NO. 13451 OF 2024 PETITIONER: RATHI, AGED 52 YEARS, W/O SURENDRANATH, RESIDING AT VALIYA EDAVANA, PERAYAM, THAZHUTHALA, KOTTIYAM P.O, KOLLAM PIN, PIN - 691571 BY ADV A.JANI(KOLLAM) RESPONDENTS: 1 DECENT JUNCTION SERVICE COOPERATIVE BANK LTD NO. 133, REPRESENTED BY ITS SECRETARY DECENT JUNCTION, THAZHUTHALA, KOTTIYAM, KOLLAM DISTRICT, PIN - 691577 2 SPECIAL SALE OFFICER, COOPERATIVE, ASSISTANT REGISTRAR (GENERAL) OFFICE, NEAR COLLECTORATE, KOLLAM PIN, PIN -

691013 BY ADVS PRASAD CHANDRAN - SC, R1 MABLE C. KURIAN - SR GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

When this matter was called today, Sri.A.Jani - learned counsel for the petitioner, submitted that his client has been constrained to approach this Court because, even though she had availed only two loans for Rs.5 Lakhs each, the outstanding shown against them is nearly Rs.30 Lakhs. He submitted that, therefore, his client has preferred Ext.P8 representation before the Bank and seeks that it be directed to be considered, so that all eligible concessions, including deduction of penal interest, can be obtained by her. He offered that for this, his client will pay 10% of the total outstanding within a period of one month from today.

2. Sri.Prasad Chandran - learned Standing Counsel for the

respondent-Bank, submitted that if the petitioner is willing to pay 10% of the total outstanding, which comes to Rs.29,13,492/- as on 09.04.2024, within a period of one month, Ext.P8 representation can be disposed of after hearing her. He, however, prayed that this Court may not make any affirmative declarations on the entitlement of the petitioner to any relief and leave it to the competent Authority to take a final decision as per law. Taking note of the afore submissions, I dispose of this Writ Petition with the following directions: a) The petitioner will pay an amount of Rs.3 Lakhs on or before 09.05.2024. b) If the afore is done, the competent Authority of the respondent-Bank will take up Ext.P8 representation of the petitioner and dispose it of, after affording her an opportunity of being heard; thus culminating in an appropriate order/necessary action thereon, not later than one month thereafter. c) Until such time as the directions in (b) above are complied with and the resultant proceedings communicated to the petitioner, all recovery action pursuant to Exts.P6 and P7 will stand deferred. Sd/- RR DEVAN RAMACHANDRAN JUDGE APPENDIX OF WP(C) 13451/2024 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF SALE DEED NO. 2096 DATED WRIT PETITIONER AND HER HUSBAND Exhibit P2 A TRUE COPY OF THE AWARD

DATED 25/06/2019 IN A.R.C NO. 453 OF 2019 PASSED AGAINST THE PETITIONER AND HER HUSBAND Exhibit P3 A TRUE COPY OF NOTICE DATED 23/03/2023 IN E.P. NO. 1183 OF 2023 IN A.R.C NO. 453 OF Exhibit P4 A TRUE COPY OF NOTICE ISSUED TO THE PETITIONER DATED 23/03/2023 IN E.P. NO. 1184 OF 2023 IN A.R.C NO. 454 OF 2019 Exhibit P5 A TRUE COPY OF RECEIPT NO. 7150342 DATED THE MINISTER OF COOPERATIVE SOCIETIES, GOVERNMENT OF KERALA

Exhibit P6 A TRUE COPY OF THE NOTICE DATEDExh

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