

Robin vs State of Kerala

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Court : Kerala

Decided On : May-29-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/13763/2024

Appellant : ROBIN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 29TH DAY OF MAY 2024 / 8TH JYAISHTA, 1946 PETITIONERS: 1 ROBIN, AGED 54 YEARS, S/O ANTONY , RESIDING AT MECHERI HOUSE, MELOOR P.O. ,THRISSUR, PIN - 680311. 2 REZY ROBIN, AGED 50 YEARS, W/O ROBIN, RESIDING AT MECHERI HOUSE, MELOOR P.O., THRISSUR, PIN - 680311. BY ADVS. CHRISTINE MATHEW RAPHAEL THEKKAN RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY SECRETARY, DEPARTMENT OF CO-OPERATIVE SOCIETIES, GOVERNMENT

SECRETARIAT, THIRUVANANTHAPURAM - 695 001. 2 THE REGISTRAR OF CO - OPERATIVE SOCIETIES O/O THE REGISTRAR OF CO - OPERATIVE SOCIETIES, JAWAHAR SAHAKARANA BHAVAN DPI JUNCTION, THYCAUD (PO) THIRUVANANTHAPURAM-695014, PIN - 695014. 3 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR, OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),THRISSUR KALYAN NAGAR, AYYANTHOLE, THRISSUR, PIN - 680003. 4 ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES, CHALAKUDY OFFICE OF THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES, CHALAKUDY CHALAKUDY P.O., THRISSUR, PIN - 680307. 5 SPECIAL SALE OFFICER CHALAKUDY TOWN CO-OPERATIVE BANK LTD, OFFICE OF THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES, CHALAKUDY CHALAKUDY P.O. , THRISSUR, PIN - 680307. 6 CHALAKUDY TOWN CO-OPERATIVE BANK LTD -2- POLICE STATION ROAD, SOUTH JUNCTION, SOUTH CHALAKUDY, CHALAKUDY P.O THRISSUR DISTRICT REPRESENTED BY ITS SECRETARY-, PIN - 680307. BY ADVS. T.R.HARIKUMAR ARJUN RAGHAVAN(K/1277/2012) SMT.MABLE C.KURIAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

The petitioners have approached this Court with a limited plea that the 6th respondent - Bank be directed to allow them to pay off the outstanding in a loan facility availed of by them, in monthly installments; and that in the meanwhile, Ext.P1 notice be quashed.

2. In response, the learned counsel for the respondent - Bank, Sri.T.R.Harikumar, submitted that the loan accounts of the petitioners had become irregular much earlier and that their

property offered as collateral security, has been sold, but not confirmed, in favour of his client. He added that, if the petitioners are interested, they can be allowed to pay off the total amount in their loan accounts, which is a sum of Rs.59 lakhs as on 28.02.2023, along with all applicable charges and interest, in -4- installments, provided they pay an amount of Rs.20 lakhs on or before 30.06.2024. He, however, prayed that, if the petitioners refuse the afore offer, then his client may be allowed to seek confirmation of sale of the property as per law.

3. The learned counsel for the petitioners - Sri.Christine Mathew, accepted the afore suggestion. Taking note of the afore submissions, I allow this writ petition with the following directions:

(a) The petitioners will pay an amount of Rs.20 lakhs to the 6th respondent on or before 30.06.2024.

(b) If the afore payment is made, then the

petitioners will be at liberty to pay off the balance amount in their loan accounts, along with all applicable charges and interest, in -5- five equal monthly installments, commencing from 30.07.2024; in which event, the loan accounts will stand fully satisfied and the sale confirmed by the Bank set aside; thus all documents and title deeds being returned to the petitioners.

(c) Needless to say, if the petitioners

commit default of payment of the 1 st instalment, or of any two other instalments, the benefit of this judgment will be lost to them and the Bank will be at liberty to deal with the property, after returning the money, if any, paid by the petitioners under this judgment. Sd/- DEVAN RAMACHANDRAN JUDGE
akv -6- APPENDIX
OF WP(C) 13763/2024 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF
NOTICE DATED 28.02.2023 BY 5TH RESPONDENT EXHIBIT P2 TRUE COPY
OF NOTICE DATED 21.06.2023 BY 4TH RESPONDENT