

Fathima Bind vs Kottakkal Co-Operative Urban Bank Ltd,

Fathima Bind vs Kottakkal Co-Operative Urban Bank Ltd,

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Court : Kerala

Decided On : Mar-14-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : WP(C)/1531/2023

Appellant : Fathima Bind

Respondent : Kottakkal Co-Operative Urban Bank Ltd,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
TUESDAY, THE 14TH DAY OF MARCH 2023/23RD PHALGUNA, 1944
WP(C) NO.1531 OF 2023 PETITIONER: FATHIMA BIND, AGED 46
YEARS, W/O.SAITHALIKUTTY, KALLINGAL HOUSE, CHANGUVETTI
KUNDU, KOTTAKKAL POST, MALAPPURAM DISTRICT-676503, PIN -
676503. BY ADVS. K.SANEESH KUMAR V.B.SANTHINI
RESPONDENTS:

1 KOTTAKKAL CO-OPERATIVE URBAN BANK LTD, NO.1378,
HO:KOTTAPADI, MALAPPURAM, REPRESENTED BY ITS
AUTHORIZED OFFICER, MALAPPURAM DISTRICT- 676503. 2

AUTHORIZED OFFICER, KOTTAKKAL CO-OPERATIVE URBAN BANK LTD, NO. 1378, HO:KOTTAPADI, MALAPPURAM, MALAPPURAM DISTRICT., PIN - 676503. 3 NAZAR KALOTI, AGED 48 YEARS,S/O.POKKAR, KALOTI HOUSE, SWAGATHAMAD, CHERUSSOLA POST, MALAPPURAM DISTRICT, PIN - 676510. BY ADV. DEVAPRASANTH P.J, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: - 2 -

VIJU ABRAHAM, J.

W.P.(C). No.1531 of 2023 Dated, this the 14th March, 2023

JUDGMENT

Petitioner has approached this Court seeking direction to respondents 1 and 2 to afford an opportunity to the petitioner to repay the overdue amount by granting reasonable time.

2. The learned Standing Counsel for the Bank would submit that the total amount outstanding as on today is Rs.1,15,28,459/-. He submitted further that

the petitioner may be directed to pay substantial amount before the end of this month and, thereafter, the petitioner may be granted time for the payment of amount in instalments. Therefore, this writ petition is disposed of with a direction that the petitioner shall deposit Rs.15 lakhs on or before 27.03.2023 and the balance amount with accrued interest shall be paid in ten equal monthly instalments starting from 27.04.2023 and further monthly instalments shall be paid on 27th of - 3 - every month. If there is any default in payment of any instalment, the respondent Bank is free to proceed further, in accordance with law. If the amounts are paid as directed above, coercive steps pursuant to Ext.P3 notice shall be kept in abeyance. This writ petition is disposed of accordingly. Sd/- VIJU ABRAHAM, JUDGE ww - 4 - APPENDIX OF WP(C) 1531/2023 PETITIONER'S

EXHIBITS:

EXHIBIT P1 A TRUE COPY OF THE DISCHARGE SUMMARY

ISSUED BY THE LAKESHORE HOSPITAL EVIDENCING THE DISEASE OF THE PETITIONER'S HUSBAND. EXHIBIT P2 A TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT DATED 7.10.2021. EXHIBIT P3 A TRUE COPY OF THE SALE NOTICE ISSUED BY THE RESPONDENTS ON 25.5.2022.

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