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**Simon.K. vs Payyanur Primary Co-Operative Agricultural and Rural Development Bank Ltd**

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**SooperKanoon Citation : [sooperkanoon.com/1336404](https://sooperkanoon.com/1336404)**

**Court : Kerala**

**Decided On : Sep-30-2023**

**Judge : Honourable Mr. Justice Sathish Ninan**

**Appeal No. : WP(C)/3767/2023**

**Appellant : Simon.K.**

**Respondent : Payyanur Primary Co-Operative Agricultural and Rural Development Bank Ltd**

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN  
SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA,  
1945 WP(C) NO. 3767 OF 2023 PETITIONER: SIMON.K. AGED 59  
YEARS S/O JOSEPH C.H, KOYILERIYAN HOUSE, VILAYAMKODE  
P.O, CHERUTHASHAM AMSOM,PAYYANUR TALUK, KANNUR., PIN -  
670307 V.T.MADHAVANUNNI V.A.SATHEESH ANAND V.S  
RESPONDENTS: 1 PAYYANUR PRIMARY CO-OPERATIVE  
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD

PAYYANUR BRANCH, PAYYANUR P.O, KANNUR DISTRICT, REPRESENTED BY SECRETARY, PIN - 670307 2 SPECIAL SALE OFFICER, PAYYANUR PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD, PAYYANUR BRANCH, PAYYANUR P.O,KANNUR DISTRICT., PIN - 670307 MABLE C. KURIAN, GOVERNMENT PLEADER M.SASINDRAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**SATHISH NINAN, J.**

===== W.P.(C) No.3767 OF 2023  
===== Dated this the 30th day of  
September, 2023

## **JUDGMENT**

The petitioner availed two housing loans from the 1st respondent Bank. Repayment of the facility was defaulted whereupon the Bank initiated steps for recovery of the loans. The petitioner has been issued with Ext P2 auction notice. It is at that stage that the petitioner has approached this Court.

2. Heard the learned counsel on either side.

3. The petitioner seeks for a facility for

regularisation of the loans. He undertakes that if an instalment facility is granted for payment of the overdues, the same shall be paid. There is further term for the loans. After having heard the learned counsel on both sides and considering the financial constraints pointed out by WP(C) No.3767 OF 2023 -2- the petitioner, the Writ Petition is disposed of with the following directions:

(i) Petitioner is permitted to pay the entire overdue amounts, inclusive of interest and costs, in ten equal monthly instalments commencing from 30.10.2023.

(ii) The instalments as above shall be in addition to the regular EMIs payable in the accounts.

(iii) In case of default in payment of any single

instalment, the petitioner will lose the benefit granted under this judgment, and further proceedings for recovery can go on. SATHISH NINAN JUDGE NB/30-9 APPENDIX OF WP(C) 3767/2023 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE MEDICAL PRESCRIPTION DATED 20.05.2022 ISSUED YO THE PETITIONER EXHIBIT-P2 TRUE COPY OF THE PUBLIC AUCTION NOTICE DATED 31.12.2022 RESPONDENTS EXHIBITS : NIL TRUE COPY P.A. TO JUDGE

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