Roy.M.V vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1442472

Court : Kerala

Decided On : Mar-29-2022

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : WP(C)/1178/2022

Appellant : ROY.M.V

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN TUESDAY, THE 29TH DAY OF MARCH 2022 / 8TH CHAITHRA, 1944 WP(C) NO. 1178 OF 2022 PETITIONER: ROY.M.V,AGED 44 YEARS,S/O.VARGHESE,M MUTTATHUPARA, KULATHOORMOOZHI, KULATHOORPRAYAR P.O., KOTTAYAM, PIN-686 541. BY ADVS. T.M.ABDUL LATHEEF K.ASHOK SARAN RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, COOPERATIVE DEPARTMENT, SECRETARIAT P.O., THIRUVANANTHAPURAM, PIN-695 001. 2 CHANGANASSERY TALUK COOPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK

LTD. NO.K 1119, KARUKACHAL P.O., KOTTAYAM, REPRESENTED BY ITS SECRETARY, PIN-686 540. 3 SPECIAL SALE OFFICER, (GENERAL OFFICE) CHANGANASSERY TALUK COOPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.NO.K 1119, KARUKACHAL P.O., KOTTAYAM, PIN-686 540. BY ADV SRI.V.N.SASIDHARAN, SC, CHANGANACHERRY TALUK CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK SMT RESMI K.M-SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Repayment of the credit facility availed by the petitioner from the respondent Bank was defaulted. Consequently the Bank initiated recovery steps. Ext P1 is the notice in the said regard. Petitioner seeks for regularisation of the loan.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the Bank.

3. Considering the financial constraints pointed out by the petitioner, the fact that further term is

available for the credit facility and also the quantum of amount involved, I am of the opinion that a reasonable facility can be afforded to have the loan account regularised. Accordingly, the writ petition is disposed of with the following directions:

1) The loan account in question will stand regularised on the Petitioner paying the entire overdue amounts with interest and costs in fifteen equal monthly instalments commencing from 20.04.2022. 2) The subsequent instalments shall be payable on or before the 20th day of the succeeding months. 3) The instalments as above shall be in addition to the regular

EMIs payable in the loan accounts. 4) In case of default in payment of a single instalment, the petitioner will lose the benefit granted under this

judgment and further proceedings for

recovery can go on. Sd/- SATHISH NINAN, JUDGE vdv APPENDIX OF WP(C) 1178/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE NOTICE DATED 10.08.2016 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER. Exhibit P2 TRUE COPY OF THE PHOTOGRAPH SHOWING WATER PRESENT IN PETITIONERS HOUSE. Exhibit P3 TRUE COPY OF THE CERTIFICATE ISSUED BY VILLAGE OFFICER VELLAVOOR DATED 17.11.2021. Exhibit P4 TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 3RD RESPONDENT DATED 06.12.2021. Exhibit P5 TRUE COPY OF THE REQUEST BEFORE THE 2ND RESPONDENT DATED 05.01.2022. Exhibit P6 TRUE COPY OF THE FORM NO.6 DATED 05.01.2022. Exhibit P7 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT TO THE PETITIONER DATED 06.01.2022.