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Rajeev, vs Co-Operative Inspector/the Special Sale Officer,

Rajeev, vs Co-Operative Inspector/the Special Sale Officer,

SooperKanoon Citation : sooperkanoon.com/1845634

Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : WP(C)/35809/2019

Appellant : Rajeev,

Respondent : Co-Operative Inspector/the Special Sale Officer,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942 PETITIONER: RAJEEV, AGED 41 YEARS S/O.GOPALAKRISHNA PILLAI, BINU BHAVAN, MUTHUPILAKKADU WEST, SASTHAMCOTTA VILLAGE, KUNNATHUR TALUK, KOLLAM DISTRICT. BY ADV. SMT.RADHIKA S.ANIL RESPONDENTS:

1 CO-OPERATIVE INSPECTOR/THE SPECIAL SALE OFFICER, SASTHAMCOTTAH PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.NO. 373, SASTHAMCOTTA, KOLLAM DISTRICT, PIN - 691 521. 2 SASTHAMCOTTAH PRIMARY

CO-OPERATIVE AGRICULTURE AND RRURAL DEVELOPMENT BANK LTD.NO.Q 373, SASTHAMCOTTAH, KOLLAM DISTRICT, PIN - 691 521. R2 BY ADV. SMT.SINDHU SANTHALINGAM R2 BY ADV. SHRI.ABRAHAM K GEORGE BY SR.GOVERNMENT PLEADER:SMT.SHEEJA.C.S THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON

30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner availed an agricultural loan of Rs.10 lakhs from the 2nd respondent Bank. The repayment of the loan was defaulted, consequent to which, recovery proceedings are initiated. The petitioner has approached this Court with the present writ petition seeking instalment facility to have the loan regularized.

2. Heard Smt.Radhika.S.Anil, the learned counsel for the petitioner as also Smt.Sindhu Santhalingam, the learned counsel for respondents.

3. This Court, as per order dated 24/12/2019, had

directed the petitioner to remit an amount of Rs.1,00,000/- within a period of one month. It appears that due to some communication gap with the Bank, the amount though offered was not accepted. I do take note of the submission of the learned counsel for the Bank that the petitioner had approached this Court earlier, for indulgence and the benefit of the said judgment was not availed off by the petitioner. Be that as it may, I do not think it necessary to go into the same at this stage.

4. Considering the submission of either sides, the

fact that the loan in question is an agricultural loan, that the term of loan is for 10 years the tenure of which still remains, I am of the opinion that a reasonable facility can be afforded to the petitioner. The petitioner shall

remit the entire overdues to the Bank in twelve equal monthly instalments commencing from 15/07/2020. The regular EMI's payable from the month of July shall also be remitted along with the amounts required for regularization. In case of default in payment of any single instalment of the overdues or the EMI, the petitioner will not be entitled for the benefit granted under this judgment and further proceedings for recovery can continue. The writ petition is disposed of as above.

Sd/- SATHISH NINAN JUDGE rsr APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 A TRUE COPY OF THE NOTICE DATED 30/01/2019 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P2 A TRUE COPY OF NOTICE UNDATED ISSUED BY THE 1ST RESPONDENT. EXHIBIT P3 A TRUE COPY OF REQUEST DATED 20/12/2019 OF THE PETITIONER BEFORE THE 1ST RESPONDENT.

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