

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 31ST DAY OF OCTOBER 2014/9TH KARTHIKA, 1936

WP(C).No. 16389 of 2013 (W)

PETITIONER:

**RAJEEV.A.B., AGED 38 YEARS,
S/O.BHASKARAN, AANDALATT HOUSE,
MALIPPURAM, ELANKUNNAPUZHA,
VYPIN, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA**

RESPONDENT(S):

- 1. THE SECRETARY,
OCHANTHURUTH CO-OPERATIVE
SERVICE BANK LTD., NO.72,
OCHANTHURUTH P.O., PIN - 682 508,
ERNAKULAM DISTRICT.**
- 2. THE SPECIAL SALE OFFICER,
PALLIPPURAM CO-OPERATIVE
SERVICE BANK LTD. NO.760
O/O. THE ASST. REGISTRAR OF
CO-OPERATIVE SOCIETIES,
ERNAKULAM DISTRICT - 682 508.**

BY GOVERNMENT PLEADER SRI. V.K.RAFEEQ

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31-10-2014, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 16389 of 2013 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE LOAN PAYMENT CARD OF THE PETITIONER ISSUED
BY THE 1ST RESPONDENT DATED 14.06.2007 HAVING BL NO.37.**

**EXHIBIT P2: TRUE COPY OF THE MEDICAL DISCHARGE SUMMARY OF THE
PETITIONER FROM THE GOVERNMENT AYURVEDIC HOSPITAL,
TRIPUNITHURA, DATED 02.05.2013.**

**EXHIBIT P3: TRUE COPY OF THE AWARD PASSED BY 2ND RESPONDENT ON
28.12.2012.**

**EXHIBIT P4: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 07.06.2013.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No.16389 of 2013

Dated this the 31st day of October, 2014

J U D G M E N T

The petitioner, a defaulter in repaying the loan availed of from the 1st respondent is before this Court challenging the recovery proceedings initiated against him. The liability and the default is admitted and the only contention is against failure to intimate quantification. Considering the facts of the case and the alleged impecunious circumstances of the petitioner, this writ petition is disposed of on the following terms:-

(i) The petitioner shall produce a certified copy of this judgment before the 1st respondent within one week of receipt of the same.

(ii) The 1st respondent shall quantify the amounts due under the various transactions of the petitioner and inform the petitioner in writing the amounts due as on 15.11.2014.

(iii) The respondent shall grant ten monthly instalments for the payment of the balance dues, starting

from 01.12.2014 and followed up on the 1st of each succeeding month.

(iv) Recovery proceedings shall be kept in abeyance on condition that the remittances as per this order are made without any default.

(v) On the petitioner making one default, the recovery steps initiated shall revive and continue.

(vi) On the 10th instalment being satisfied, the respondent shall issue a statement of the interest accrued from 15.11.2014 which shall be satisfied by the petitioner on the 1st of the succeeding month.

(vii) On the petitioner satisfying the entire arrears, the recovery proceedings shall be unenforceable.

Writ Petition is disposed of as above, making it clear that the respondent will be free to proceed with the recovery if the above conditions are not complied with.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge