

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 29<sup>TH</sup> DAY OF MAY 2023 / 8TH JYAISHTA, 1945

WP(C) NO. 14571 OF 2023

**PETITIONERS:**

FOUSIYA.M.K.,  
AGED 52 YEARS,  
W/O.ABDUL FATHAH, FATHIMA SOUPARNIKA, NEAR KADIRUR  
H.S., KADIRUR.P.O., THALASSERY, KANNUR, PIN - 670 642.  
BY ADVS.  
D.ARUN BOSE  
K.VISWAN

**RESPONDENT:**

DHARMADAM SERVICE CO -OPERATIVE BANK LTD,  
CHIRAKUNI BRANCH (REPRESENTED BY ITS BRANCH MANAGER),  
KANNUR, PIN - 670 661.  
BY ADV M.SASINDRAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
29.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner availed a loan for housing purposes from the respondent Bank. On default being committed, proceedings were initiated against the petitioner under the provisions of the Kerala Co-operative Societies Act, 1969 and awards were obtained determining the amounts payable by the petitioner. The award obtained was put to execution and Ext.P1 sale notice has been issued to the petitioner proposing to sell the property of the petitioner, prompting the petitioner to approach this Court by filing the above writ petition. The learned counsel for the petitioner submits that the petitioner only prays for some reasonable instalments to clear the liability.

2. The learned counsel appearing for the respondent Bank submits that as on 12.05.2023, the outstanding amount is Rs.26,09,196/-. It is submitted that the Bank has no objection in granting some limited instalments to the petitioner to clear the liability.

3. Having regard to the circumstances of the case and the situation now prevailing, apart from the submissions made as recorded above, I am of the view that the petitioner can be

granted an opportunity to repay the outstanding amount in 20 instalments.

4. Accordingly, there will be a direction to the respondent bank to accept repayment of the entire outstanding amount of Rs.26,09,196/- along with any accrued interest, costs and charges from the petitioner on the following conditions:

- (i) The outstanding amount of Rs.26,09,196/- (Rupees twenty six lakhs nine thousand one hundred and ninety six only) together with any accrued interest, costs and charges shall be repaid in 20 equated monthly instalments.
- (ii) The first instalment shall be paid on or before 15.06.2023 and subsequent instalments shall be paid on or before the 15<sup>th</sup> day of every succeeding months.
- (iii) In the event of default of any one instalment, the respondent bank shall be entitled to proceed in accordance with law.
- (iv) In order to enable the petitioner to repay the entire

amounts, all coercive proceedings shall be kept in abeyance.

Considering the fact that considerably liberal instalments have been given to the petitioner, it is made clear that no further extension of time will be granted to the petitioner under any circumstances.

The writ petition is disposed of as above.

Sd/-  
**GOPINATH P.**  
**JUDGE**

DK

**APPENDIX OF WP(C) 14571/2023**

PETITIONER EXHIBITS

Exhibit -P1            TRUE COPY OF THE NOTICE ISSUED BY THE  
SPECIAL SALES OFFICER DHARMADAM  
SERVICE CO-OPERATIVE BANK DATED  
10.03.2023

Exhibit - P2           TRUE COPY OF THE ACCOUNT STATEMENT  
DATED 31.03.2023