

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 9TH DAY OF APRIL 2024 / 20TH CHAITHRA, 1946

WP(C) NO. 8691 OF 2024

PETITIONER:

SODARAN M A, AGED 62 YEARS
S/O. ARAMUGHAN, MADATHUMPOYIL HOUSE, KALLURUTTY P.O,
KOZHIKODE, PIN - 673582

T.D.SUSMITH KUMAR
T.O.DEEPA
JAYKAR.K.S.
C.SIVADAS

RESPONDENTS:

- 1 KOZHIKODE PRIMARY CO-OP. AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD NO.4362
MUKKAM P.O, KOZHIKODE. REPRESENTED BY ITS BRANCH
MANAGER., PIN - 673602
- 2 SALES OFFICER
KOZHIKODE PRIMARY CO-OP. AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD, REGIONAL OFFICE, PUTHIYARA P.O,
KOZHIKODE, PIN - 673004

K.P. SUDHEER
P.ANIRUDHAN (K/002306/2021)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The limited plea of the petitioner is that the respondent - Bank be directed to allow him to pay off the overdue amount in the loan account in 20 equal monthly installments so as to have it regularised. He submitted that he is constrained to make this request because of the financial constraints he is facing and hence being unable to make payment in lump sum.

2. However, since the petitioner concedes that he has not been able to comply with the interim order of this Court, I am certain that he should be ordered to do so before any further reliefs can be granted to him.

3. In the afore circumstances, I allow this writ petition, directing the petitioner to pay an amount of Rs.1,00,000/- on or before 15.05.2024, in which event, he will be at liberty to approach the Bank with an appropriate representation seeking any relief/claim that he may make; and if this is done within a period of two weeks from the date of receipt of a copy of this judgment, the same shall be considered by the competent Authority of the said Bank, after affording him an opportunity of being heard; thus culminating in an appropriate order and necessary action thereon without any avoidable delay thereafter.

I, however, clarify that I have not entered into the merits of the claims of the petitioner and that they are left to be decided by the respondent – Bank appropriately.

Sd/- DEVAN RAMACHANDRAN

JUDGE

stu

APPENDIX OF WP(C) 8691/2024

PETITIONER EXHIBITS

**Exhibit P-1 A TRUE COPY OF THE SALE NOTICE IN EP
NO.395/20232024 DATED 23/01/2024 ISSUED BY
THE 2ND RESPONDENT**