



2024:KER:95424

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

MONDAY, THE 16TH DAY OF DECEMBER 2024/25TH AGRAHAYANA, 1946

WP(C) NO. 39682 OF 2024

PETITIONER:

NOORUNNEESA V. M
AGED 27 YEARS
W/O. NIFIN ABDUL KADHER,
VALIAYAKATHU MEPPURATHU HOUSE,
ORUMANAYOOR P.O, THRISSUR,
PIN - 680 512.

BY ADV V.A.VINOD

RESPONDENTS:

- 1 CHAVAKKAD FIRKA CO-OPERATIVE RURAL BANK
REPRESENTED BY ITS AUTHORISED OFFICER,
CHAVAKKAD, THRISSUR, PIN - 680 516.
- 2 SPECIAL SALE OFFICER
CHAVAKKAD FIRKA CO-OPERATIVE RURAL BANK GROUP,
ASSISTANT FREGISTRAR (GENERAL) OFFICE,
CHAVAKKAD P.O, THRISSUR, PIN - 680 516.

SMT. RASMI NAIR. T - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 16.12.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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JUDGMENT

The petitioner had availed a loan from the 1st respondent Society to the tune of Rs.11 Lakhs on 16.01.2017 after creating equitable mortgage of her property. The term of the loan was for a period of ten years. The petitioner defaulted the payment of installments and the respondents initiated recovery proceedings against her under the Kerala Co-operative Societies Act, 1969. Ext.P1 is the sale notice issued to the petitioner. Challenging Ext.P1, the petitioner has filed this writ petition. The petitioner has also sought for a direction to the 1st respondent to grant sufficient installments to pay the overdue amount and to regularise the loan account.

2. Smt.Rasmi Nair.T, the learned counsel for the respondents, on instructions, submits that the



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overdue amount in the loan account of the petitioner as on 11.12.2024 is Rs.14,65,406/- and that if the petitioner pays the entire overdue amount in six equal monthly installments, the account can be regularised.

3. The learned counsel for the petitioner submits that the petitioner can pay the entire overdue amount in fifteen equal monthly installments.

This writ petition is disposed of with a direction to the petitioner to pay the overdue amount of Rs.14,65,406/- in twelve equal monthly installments commencing from 15.01.2025 along with regular EMIs, accrued interest and applicable charges. If the petitioner defaults any of the installments as above, it will be open to the respondents to proceed against her for recovery



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of the amount, in accordance with law. To enable the petitioner to repay the amount in installments as above, further coercive proceedings pursuant to Ext.P1 shall stand deferred.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SPR



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APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1 TRUE COPY OF THE SALE NOTICE ISSUED BY THE
2ND RESPONDENT DATED 11.09.2024.**

RESPONDENTS EXHIBITS:- NIL.