



2025:KER:30365

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 5511 OF 2025

PETITIONER:

SAJEEVAN
AGED 53 YEARS
S/O. VELAYUDHAN, POTTAKKEL HOUSE,
KODUPPASSERY.P.O. THRISSUR DIST.,
PIN - 680 683.

BY ADVS.
K.S.RAJESH
M.SHAJU PURUSHOTHAMAN

RESPONDENTS:

- 1 THE ASSISTANT REGISTRAR (G)
OFFICE OF REGISTRAR OF CO-OPERATIVE SOCIETY,
MUKUNDAPURAM, IRINJALAKUDA,
THRISSUR DIST., PIN - 680 121.
- 2 THE SPECIAL SALE OFFICER
AVITTATHUR SCB GROUP, ASSISTANT REGISTRAR (G)
OFFICE, MUKUNDAPURAM, THRISSUR DIST.,
PIN - 680 121.
- 3 AVITTATHUR SERVICE CO-OPERATIVE BANK LTD
NO:706, AVITTATHUR MAIN BRANCH,P.O.
AVITTATHUR,THRISSUR DIST.,
REPRESENTED BY IT'S SECRETARY,
PIN - 680 683.

SMT. MABLE C.KURIAN - SR. GP
SRI. T.N MANOJ
AADITHYE MANOJ MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.04.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The loan availed by the petitioner from the 3rd respondent Society fell in arrears. The Society initiated arbitration proceedings under the Kerala Co-operative Societies Act, 1969. Pursuant to the Award, Ext.P1 demand notice was issued to the petitioner. Later, the 2nd respondent issued Ext.P2 notice informing the petitioner that if the liability is not cleared, the property would be measured and demarcated for the purpose of auction. The petitioner has filed this writ petition for a direction to the respondents to permit him to pay the outstanding amount in twenty five equal monthly installments.



2. The learned counsel for the Society, submits that, as on today (07.04.2025), an amount of Rs.47,63,459/- is outstanding in the loan account of the petitioner and the petitioner can be permitted to pay the said amount in reasonable installments.

3. The learned counsel for the petitioner submits that the petitioner may be permitted to pay the outstanding amount in twenty equal monthly installments.

4. In the facts and circumstances of the case, there will be a direction to the petitioner to pay the outstanding amount of Rs.47,63,459/- in twenty equal monthly installments commencing from 07.05.2025 along with accrued interest and applicable charges. If the petitioner defaults



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payment of any of the installments, it will be open to the Society to proceed against him for recovery of the amount, in accordance with law. To enable the petitioner to repay the amount in installments as above, all coercive proceedings against him pursuant to Exts.P1 and P2 shall stand deferred.

The writ petition is disposed of.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SPR



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APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 A TRUE COPY OTHER DEMAND NOTICE DATED
5.11.2024 ISSUED BY THE 2ND RESPONDENT TO
THE PETITIONER.
- EXHIBIT P2 THE TRUE COPY OF THE LETTER DATED NIL
ISSUED BY THE 2ND RESPONDENT TO THE
PETITIONER.

RESPONDENT EXHIBITS: NIL.