



2025:KER:17762

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

WP(C) NO. 37726 OF 2024

PETITIONER:

JOY VARGHESE
AGED 65 YEARS
S/O. VARGHESE, KUMBLANIKKAL HOUSE,
PERUVANNAMOOZHI P.O, KOYILANDI TALUK,
KOZHIKODE DISTRICT, PIN - 673 525.

BY ADVS.
S.K.ADHITHYAN
CHRISTY THOMAS
REUBEN CHARLY
SHAHINA NOUSHAD

RESPONDENTS:

- 1 CHAKKITTAPARA SERVICE CO-OPERATIVE BANK LTD
REPRESENTED BY THE CHIEF MANAGER,
CHAKKITTAPARA P.O, KOZHIKODE DISTRICT,
KERALA, PIN - 673 526.
- 2 SPECIAL SALE OFFICER
CHAKKITTAPARA SERVICE CO-OPERATIVE BANK,
OFFICE OF THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL) KOYILANDY,
KERALA, PIN - 673 526.

BY ADV P.C SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 03.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The loan availed by the petitioner from the 1st respondent Society fell in arrears on account of default in payment of installments and the Society initiated arbitration proceedings under the Kerala Co-operative Societies Act, 1969. Pursuant to the arbitration Award, Ext.P1 sale notice was issued to the petitioner. Challenging Ext.P1, the petitioner has filed this writ petition.

2. When the writ petition came up for consideration today, the learned counsel for the Society, on instructions, submitted that the petitioner had, in fact, availed three loans on the basis of the same secured assets and the total outstanding amount in the loan accounts of the



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petitioner, as on 25.02.2025, is Rs.61,42,853/-. The learned counsel further submitted that the Society is in financial constraints and the Society will show indulgence to the petitioner provided he pays the said amount in reasonable installments.

3. The learned counsel for the petitioner submits that the petitioner is a menial worker and the petitioner may be permitted to pay the outstanding amount in eighteen 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.61,42,853/- in eighteen equal monthly installments commencing from 28.03.2025 along with



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accrued interest and applicable charges. If the petitioner defaults 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 Ext.P1 shall stand deferred.

The writ petition is disposed of.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SPR



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APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1 TRUE COPY OF THE NOTICE ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER DATED
20.09.2024.

RESPONDENTS EXHIBITS: NIL.