



2025:KER:17761

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. 42798 OF 2024

PETITIONER:

SREELAL K. M
AGED 34 YEARS
S/O. MOHANAN @ CHANDRAMOHAN,
KUNNATHUVALAPPIL HOUSE,
AVINISSERY P. O, TRIKKUR,
THRISSUR, PIN - 680 306.

BY ADVS.
SREEKANTH S.NAIR
SANDEEP P JOHNSON

RESPONDENTS:

- 1 AVINISSERY SERVICE CO- OPERATIVE BANK LTD 400
OLLUR ROAD, PALACKAL, AVANISSERI,
THRISSUR, PIN - 680 306.
- 2 SPECIAL SALE OFFICER
AVINISSERY SERVICE CO-OPERATIVE BANK LTD 400,
ASSISTANT REGISTER OFFICE (GENERAL)
THRISSUR, PIN - 680 003.

BY ADVS.
ANIL KUMAR C.
A.K.PREETHA
DEVIKA MOHAN
RESHMA R.KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2025:KER:17761

WP(C) NO.42798 OF 2024

2

JUDGMENT

The loan availed by the petitioner's late father 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. Ext.P4 is the demand notice and Ext.P5 is the attachment notice issued pursuant to the arbitration Award. Challenging Exts.P4 and P5, the petitioner has filed this writ petition. The petitioner has sought for a direction to the respondents to permit him to discharge the loan dues by renewing and rescheduling the loan for ten years with regular installments and to permit him to pay the



outstanding amount in thirty five equal monthly installments.

2. It is submitted by the learned counsel for the petitioner that the petitioner is suffering from cancer and the petitioner will approach the 1st respondent with suitable representation for appropriate reliefs and seeks a direction to the 1st respondent to consider such request.

3. In the facts and circumstances of the case, there will be a direction to the petitioner to make appropriate representation before the 1st respondent for appropriate reliefs within a period of ten days from today. The competent authority of the 1st respondent shall consider the same in accordance with law within ten days of its receipt and pass appropriate orders in accordance with



2025:KER:17761

WP(C) NO.42798 OF 2024

4

law and communicate the same to the petitioner. To enable the petitioner to prefer such representation, there shall not be any coercive proceedings against him for a period of one month from today. In case the petitioner does not make a representation as above, it will be open to the Society to proceed against him in accordance with law.

The writ petition is disposed of.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SPR



2025:KER:17761

WP(C) NO.42798 OF 2024

5

APPENDIX

PETITIONER'S EXHIBITS:-

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| EXHIBIT P1 | TRUE COPY OF REPORT DATED 11.06.2020 ISSUED TO PETITIONER BY DR. JOHN MATHEW MBBS, MD, CONSULTANT RADIOLOGIST. |
| EXHIBIT P2 | TRUE COPY OF MEDICAL CERTIFICATE DATED 08.07.2020 ISSUED BY DR. DEBNARAYAN DUTTA MD, SENIOR CONSULTANT & HOD OF AMRITHA INSTITUTE OF MEDICAL SCIENCE & RESEARCH CENTER. |
| EXHIBIT P3 | TRUE COPY OF THE DISCHARGE SUMMARY WITH DISCHARGE DATE 03.08.2024 ISSUED TO THE PETITIONER BY AMRITHA INSTITUTE OF MEDICAL SCIENCE AND RESEARCH CENTER. |
| EXHIBIT P4 | TRUE COPY OF DEMAND NOTICE DATED 17.05.2024 ISSUED BY THE 2ND RESPONDENT. |
| EXHIBIT P5 | TRUE COPY OF ATTACHMENT NOTICE DATED 20.09.2024 ISSUED BY THE 2ND RESPONDENT. |

RESPONDENT EXHIBITS:- NIL.