

**(2012) 03 KL CK 0138**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 1629 of 2011 (C)**

Alphonsa A.

APPELLANT

Vs

The Authorized Officer, Thiruvananthapuram District, Co-Operative Bank, Ltd. and The Joint Registrar of Co-Operative Societies (General)

RESPONDENT

**Date of Decision : 01-03-2012**

**Acts Referred:**

**Citation : (2012) 03 KL CK 0138**

**Hon'ble Judges : Antony Dominic, J**

**Bench : Single Bench**

**Advocate :** Abraham Mathew Vettoor, for the Appellant; Thomas Abraham SC, Sri. K.G. Radhakrishnan, SC, Tvm. Dist. Company Op. by R1, R2 and Sri. S. Jamal, Sr. Government Pleader by R3, for the Respondent

## **Judgement**

Antony Dominic, J.—Heard both sides.

2. A cash credit facility availed of by the petitioner from the respondent was in default. As a result, SARFAESI proceedings were initiated by the Bank and Ext.P3 possession notice and Ext.P5 auction notice were issued. It was at that stage the writ petition was filed and at the admission stage, this Court passed order dated 17/1/11 granting stay of confirmation of sale subject to the petitioner remitting Rs. 2 lakhs. According to the Learned Counsel for the petitioner, this condition has been complied with.

3. When the matter was taken up today, Learned Counsel for the petitioner confined her prayer for an instalment facility to pay the balance amount due. Having considered this submission in the light of the contentions raised by the respondents, I dispose of this writ petition directing that the balance amount due from the petitioner will be permitted to be paid in 8 equal monthly instalments. The first installment shall be paid on or before 15th of every succeeding month. Subject to payment as above, coercive action will stand deferred and in case of default, respondents will be free to continue the recovery proceedings.

4. It is also made clear that in the event the respondents have any one time settlement scheme in vogue, this judgment will not prevent the petitioner from claiming the benefits thereof.