

(2012) 06 KL CK 0006

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 14422 of 2012 (C)

Narayani Amma Nair

APPELLANT

Vs

Secretary, Vadakara Co-Operative Agricultural Rural
Development Bank and State of Kerala

RESPONDENT

Date of Decision : 21-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0006

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : K. Saneesh Kumar, Smt. V.B. Santhini, for the Appellant; G. Gopakumar Government Pleader, for the Respondent

Judgement

Justice K. Surendra Mohan

1. The petitioner has filed this Writ Petition challenging Ext.P7 proceedings of the 1st respondent declining to her the benefit of "One Time Settlement". The petitioner had availed a loan of Rs.63, 875/- in the year 1990. The amount was to be repaid over a period of 12 years. However, according to the petitioner, she could not pay the instalments regularly for the reason that the agricultural operations conducted by her were not profitable. The petitioner owns an extent of 9 acres 16.750 cents of land in Resurvey No.30/2 of Maruthonkara Village and a further extent of one acre 43 cents in Resurvey No.30/1 of the same village. According to the petitioner, her husband and 4 children are also co-owners of that property and co-obligants to the 1st respondent bank. The action of the 1st respondent in declining to grant the facility of One Time Settlement to the petitioner is submitted to be vitiated and liable to be set aside. According to the petitioner, the sale of the property is scheduled to be conducted on 25.06.2012. The petitioner is ready to pay a portion of the amount demanded. She seeks a chance to save her property and also a direction to the 1st respondent to reconsider his stand in Ext.P7.

2. I notice that the petitioner is the owner of about 10 acres of land. She is also

a retired Teacher and therefore, it cannot be presumed that she is not able to raise sufficient funds to clear the defaulted loan amount. As already noticed above, the loan availed was only an amount of Rs.63, 875/- that was to be repaid over a period of 12 years. If the petitioner had been earnest in remitting the instalments, it would certainly have been possible for her to repay the debt within the stipulated period itself. The balance amount now demanded is Rs.91,835/-. Since the petitioner is willing to pay the amount demanded, I am satisfied that she can be given a chance to save her property. This Writ Petition is accordingly disposed of directing the petitioner to pay an amount of Rs.30, 000/- (Rupees Thirty thousand only) towards the amount demanded in Ext.P6 before the sale on 25.06.2012 and to pay the balance amount due in two equal instalments to be paid on or before 15.07.2012 and 15.08.2012 respectively. Pending payment of the amount in instalments, further action to sell the property of the petitioner pursuant to Ext.P6 shall be kept in abeyance. It is made clear that in the event of the petitioner committing default in payment of any of the instalments, the respondents shall be free to sell the property and recover the amount due.