

Kerala High Court

Kanthimadhi Amma vs The Trissur District ... on 13 July, 2006

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No. 18411 of 2006(P)

1. KANTHIMADHI AMMA, W/O.PADMANABHAN,
... Petitioner

Vs

1. THE TRISSUR DISTRICT CO-OPERATIVE
... Respondent

2. THE SALE OFFICER, TRISSUR DISTRICT

For Petitioner :SRI.RAJESH CHAKYAT

For Respondent : No Appearance

The Hon'ble MR. Justice K.THANKAPPAN

Dated :13/07/2006

O R D E R

K.THANKAPPAN, J.

W.P.(C)NO.18411 OF 2006

Dated this the 13th day of July, 2006

JUDGMENT

Admitted.

2. The petitioner and her son were running a small scale industrial unit.

The petitioner availed of a loan of Rs.3,00,000/- from the first respondent. As the petitioner did not

repay the amount as agreed, an Arbitration award was passed against her and execution petition was filed for execution of the award.

As per Ext.P1 notice, an amount of Rs.5,72,278/- was demanded from the petitioner.

3. Learned counsel appearing for the petitioner submits that the petitioner could not remit the loan amount due to financial difficulties and that she is also not in a position to remit the entire amount in lump. The petitioner has filed Ext.P2 representation seeking the benefit of One Time Settlement Scheme.

promulgated by the Government.

4. The loan taken by the petitioner is an industrial loan for which the benefit of One Time Settlement Scheme cannot be granted. The only relief that can be granted to the petitioner is instalment facility. The petitioner submits that she has already remitted Rs.40,000/-. In the above circumstances, this Court is of the view that the petitioner can be granted some time to remit the loan amount in instalments. The petitioner is, therefore, directed to pay the entire loan amount with interest in ten equal monthly instalments. The first instalment shall be paid on or before 15.8.2006. Further, it is made clear that if the petitioner defaults payment of two consecutive instalments, the Bank can proceed against her.

The Writ Petition is disposed of as above.

(K.THANKAPPAN, JUDGE) sp/ K.THANKAPPAN, J.

W.P.(C)NO.18411/2006 JUDGMENT 13TH JULY, 2006