

## Sunny Francis Vs Secretary Iritty House Building Co-Op Society Ltd

**Court:** High Court Of Kerala

**Date of Decision:** Feb. 4, 2025

**Hon'ble Judges:** Murali Purushothaman, J

**Bench:** Single Bench

**Advocate:** Georgie Simon, Cibi Thomas

**Final Decision:** Disposed Of

### Judgement

Murali Purushothaman

1. The petitioner had availed a loan from the 2nd respondent Society for an amount of Rs.5,00,000/-, after creating equitable mortgage over his

property. On default of payment of installments, the Society initiated arbitration proceedings under the Kerala Co-operative Societies Act, 1969.

Pursuant to the award, the respondent Sale Officer issued Ext.P3 notice before auction and Ext.P5 sale notice. Challenging Exts.P3 and P5, the

petitioner has approached this Court. He has also sought for direction to the Society to permit him to clear off the outstanding amount in easy monthly

installments.

2. This Court, by order dated 20.12.2024, stayed the confirmation of sale pursuant to Ext.P5 for a period of six weeks.

3. The learned counsel for the respondents, on instructions, submits that, as on today, the outstanding amount in the loan account of the petitioner

comes to Rs.11,04,859/-. However, it is submitted that the Society is willing to show indulgence to the petitioner, provided he clears off the outstanding

amount in 8 installments.

4. The learned counsel for the petitioner submits that the petitioner will pay the outstanding amount in 12 equal monthly installments.

In the facts and circumstances of the case, this writ petition is disposed of with the following directions:

(1) The petitioner shall pay the outstanding amount of Rs.11,04,859/- along with accrued interest and applicable charges in 12 equal monthly

installments commencing from 01.03.2025.

(2) If the petitioner defaults payment of any of the installments, it will be open to the respondents to proceed against him for the recovery of the

amount, in accordance with law.

(3) To enable the petitioner to remit the installments as above, all coercive proceedings against him pursuant to Exts.P3 and P5 shall stand deferred.