

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 440 of 2015 (D)

PETITIONER(S):

**DHANYA, AGED 32 YEARS
W/O.ABILASH, 'AROMA', KADIKKODU P.O.
EZHUKONE VILLAGE, KOTTARAKARA TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT(S):

- 1. THE MANAGING DIRECTOR
KERALA STATE FINANCIAL ENTERPRISES LTD., HEAD OFFICE
THRISSUR. 680 001**
- 2. THE SPECIAL DEPUTY TAHSILDAR (RR)
OFFICE OF SPECIAL DEPUTY TAHSILDAR (RR)
THE K.S.F.E. LTD, CHINNAKKADA, KOLLAM
PIN 691001.**
- 3. THE BRANCH MANAGER
KERALA STATE FINANCIAL ENTERPRISES LTD.
KANNANALLOOR (MUKHATAHLA) BRANCH
KANNANALLOOR (P.O.), KOLLAM DISTRICT. 691 321**

**R1-R3 BY ADV. SRI.BABU VARGHESE (SR.)
R1-R3 BY ADV. SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL
ENTERPRISES**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 440 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: A TRUE COPY OF THE NOTICE IN LOAN NO.RCL 511 ISSUED BY THE
2ND RESPONDENT.**

**EXHIBIT-P2: A TRUE COPY OF THE REQUEST DATED 05.11.2014 BEFORE THE 2ND
RESPONDENT.**

**EXHIBIT-P3: A TRUE COPY OF THE DEMAND PRIOR TO ATTACHMENT NOTICE
DATED 08.12.2014 ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.440 OF 2015 (D)

Dated this the 23rd day of January, 2015

J U D G M E N T

The petitioner, who had availed of a chitty loan from the 1st respondent, defaulted in repayment of the same. Consequently, the 2nd respondent initiated proceedings under the Revenue Recovery Act, to recover the loan amounts. Ext.P3 is the revenue recovery notice issued to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the 2nd respondent for recovery of the loan amounts.

2. I have heard Sri.K.V.Anil Kumar, the learned counsel appearing for the petitioner as also Sri.C.V.Alexander, the learned Standing counsel appearing for the respondent KSFE.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit her to remit the amounts outstanding to the 1st respondent in easy installments. Taking into account the plea of

financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioner to the 1st respondent is stated to be Rs.1,07,252/- together with accrued interest. Accordingly, if the petitioner remits the above amount of Rs.1,07,252/- together with accrued interest in six equal and successive monthly installments commencing from 15.2.2015, then the recovery steps initiated against her by the 2nd respondent shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, she will lose the benefit of this judgment and the 2nd respondent will be free to continue the recovery proceedings against her from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp