

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 766 of 2015 (U)

PETITIONER(S):

- 1. K.S KAMALAM, W/O.SREEDHARAN,AGED 65 YEARS,
RESIDING AT MUNDAKKAL VEEDU, ANANDAPURAM P.O,
ALATHUR, TRICHUR DISTRICT- 650 239**
- 2. SREEDHARAN, S/O.KORU,AGED 69 YEARS,
RESIDING AT MUNDAKKAL VEEDU, ANANDAPURAM P.O.,
ALATHUR, TRICHUR DISTRICT -650 239**

**BY ADVS.SRI.M.RAMASWAMY PILLAI
SMT.PREETHY R. NAIR**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS FINANCIAL SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,PIN- 695 001.**
- 2. KERALA STATE FINANCIAL ENTERPRISES, TRICHUR,
REPRESENTED BY ITS MANAGING DIRECTOR -680 020**
- 3. KERALA STATE FINANCIAL ENTERPRISES,
REPRESENTED BY ITS BRANCH MANAGER,
MANNURUTHY BRANCH,TRICHUR DISTRICT -680 070**
- 4. THE DEPUTY TAHSILDAR (RRV),
KERALA STATE FINANCIAL ENTERPRISES LTD.,
TRICHUR -680 020.**
- 5. THE VILLAGE OFFICER,
NELLAYI VILLAGE OFFICE, TRICHUR -680 020**

**R1,R4 & R5 BY SR GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN
R2 & R3 BY SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL ENT
SRI.A.M.ANTONY, SC, KERALA STATE FINANCIAL ENT LTD.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.766/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PRESCRIPTION AND OP TICKET OF THE 2ND PETITIONER BECOME OUTPATIENT OF THE MEDICAL COLLEGE CHEST HOSPITAL, MULANKUNNATHUKAVU, TRICHUR.**
- P2 COPY OF THE DECREE DATED 21/12/2013 IN O.S.NO.654/2011 OF THE ADDITIONAL SUB JUDGE, IRINJALAKUDA.**
- P3 COPY OF THE INTERIM ORDER DATED 20/3/2014 IN I.A.NO.720/2014 ON RFA.NO.226/2014 OF THIS HONOURABLE COURT.**
- P4 COPY OF THE NOTICE DATED 23/2/2012 UNDER SECTION 34 OF REVENUE RECOVERY ACT FOR RS.5,00,000/-**
- P5 COPY OF THE NOTICE DATED 23/2/2012 FOR RS.12,51,255/-**
- P6 COPY OF THE STAY ORDER NO.1953/12/M/(FL&HG) DATED 17/4/2012**
- P6(A) COPY OF THE STAY ORDER NO.3303/12/M(FL&HG) DATED 17/4/2012**
- P7 COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY IN ENGLISH DATED 5/12/2014**
- P7(A) COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY IN MALAYALAM DATED 5/12/2014.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.766 OF 2015

Dated this the 13th day of January, 2015

J U D G M E N T

The 1st petitioner, who had availed of a chitty loan from the 2nd respondent, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings to recover the loan amounts. Exts.P7 and P7(a) are the notices issued in terms of the Revenue Recovery Act. In the writ petition, the petitioners impugn the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.M.Ramaswamy Pillai, the learned counsel appearing on behalf of the petitioner as also Sri.C.V.Alexander, the learned Standing counsel appearing on behalf of the respondents.

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 petitioners is to permit them to remit the balance amounts outstanding to the 2nd respondent in easy instalments. Taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

(i) Total amount outstanding from the petitioners are stated to be Rs.8,02,872/-. Accordingly, if the petitioners effect payment of Rs.2 lakhs on or before 31.03.2015 and remits the balance amount of Rs.6,02,872/-, together with accrued interest, in six equal and successive monthly instalments commencing from 30th April, 2015, the recovery proceedings pursuant to Ext.P7 and P7(a) shall be kept in abeyance.

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

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

