

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 779 of 2015 (V)

PETITIONER(S) :

**RAJARAJESWARY, AGED 49 YEARS,
W/O. RAJAGOPAL, ATHIRA, KUNDOORKUNNU POST,
VIA. MANNARKKAD, PIN-678 583.**

BY ADV. SRI.V.C.MADHAVANKUTTY

RESPONDENT(S) :

- 1. CANARA BANK,
VELLINEZHI BRANCH, MANNARKKAD, PALAKKAD DISTRICT,
REPRESENTED BY ITS MANAGER, PIN-678 583.**
- 2. DEPUTY TAHSILDAR (REVENUE RECOVERY),
MANNARKKAD, PALAKKAD DISTRICT-678 583.**

**R1 BY ADV. SRI.PAULY MATHEW MURICKEN, S.C
R2 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 779 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 : TRUE COPY OF NOTICE DATED 30.05.2014 ISSUED UNDER SEC.7 OF
THE REVENUE RECOVERY ACT BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 779 of 2015 (V)

.....
Dated this the 16th day of January, 2015

JUDGMENT

The petitioner, who had availed of a Cash Credit facility from the 1st respondent Bank, defaulted in re-payment of the same. Consequently, the first respondent bank initiated revenue recovery proceedings against the petitioner. Ext.P1 is the notice that was issued by the second respondent to the petitioner under Section 7 of the Revenue Recovery Act, in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Sri.V.C.Madhavankutty, the learned counsel appearing for the petitioner, Sri.Mathew Murickan, learned Standing counsel appearing for the 1st respondent and Smt.Sobha Annamma Eappen, learned Government Pleader for the 2nd respondent.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I note that the sole prayer of the petitioner is to permit him to remit the total amount outstanding to the bank 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 respondent bank as of today is stated to be Rs.30,40,751/-. Accordingly, if the petitioner remits an amount of Rs.30,40,751/- in ten equal and successive monthly installments commencing from 31.01.2015, then, the recovery steps initiated against the petitioner for recovery of the amounts outstanding to the Bank shall be kept in abeyance.

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

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/16/01/