

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. 1164 of 2015 (U)

PETITIONER :

**SHIHABUDHEEN M.M., AGED 44 ,
S/O. MAKKARUKUTTY M.M., H. NO. 294, MANNA VEEDU
KUMBALAM, ERNAKULAM.**

**BY ADVS.SRI.PRAVEEN K.JOY
SRI.TA.JOY**

RESPONDENT(S) :

- 1. DISTRICT COLLECTOR
ERNAKULAM-682 031.**
- 2. THE TAHASILDAR,
KANAYANNUR TALUK,
ERNAKULAM DISTRICT-689 019.**
- 3. THE VILLAGE OFFICER,
KUMBALAM VILLAGE,
ERNAKULAM DISTRICT – 682 041.**
- 4. SPECIAL DEPUTY TAHASILDAR,
KERALA STATE FINANCIAL ENTERPRISES,
ERNAKULAM, COCHIN - 18.**
- 5. THE BRANCH MANAGER,
KERALA STATE FINANCIAL ENTERPRISES, PRESS CLUB ROAD
ERNAKULAM, COCHIN-18.**

**R1 TO R4 BY SR. GOVT. PLEADER SMT. SOBHA ANNAMMA EAPEN
R5 BY SENIOR ADVOCATE SRI.BABU VARGHESE
R5 BY ADV. SRI.ALEXANDER.C.V., SC**

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

Mn

...2/-

WP(C).No. 1164 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1- TRUE PHOTOCOPY OF THE PARTITION DEED DATED 03/02/1979 WITH
NO. 418/79 OF SRO, ERNAKULAM.

EXHIBIT-P2- TRUE COPY OF THE NOTICE ISSUED BY RESPONDENT UNDER
SECTION 34 OF RR ACT.

EXHIBIT-P3- TRUE PHOTOCOPY OF THE DEMAND NOTICE DATED 01/12/2014
UNDER SECTION 7 OF THE RR ACT.

EXHIBIT-P4- TRUE PHOTOCOPY OF THE PETITION BEFORE THE 1ST RESPONDENT
DATED 7-1-15.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.1164 of 2015 (U)

.....
Dated this the 13th day of January, 2015

The petitioner, who is a subscriber of a chitty and thereafter, availed a loan of Rs.2,00,000/- from the 5th respondent, defaulted in re-payment of the same. Exts.P2 and P3 are the notices issued under the Revenue Recovery Act for recovery of the amount. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. Heard Sri.Praveen K.Joy, learned counsel appearing for the petitioner, Smt.Sobha Annamma Eappen, learned Government pleader appearing for the respondent Nos.1 to 4 and Sri.C.V.Alexander, learned Standing counsel appearing for the 5th 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 amounts 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 dues outstanding as on today is stated to be an amount of Rs.2,72,000/- together with accrued interest. Accordingly, if the petitioner remits an amount of Rs.2,72,000/- together with accrued interest in eight equal and successive monthly instalments commencing from 31.01.2015, then, the recovery steps initiated by Exts.P2 and P3 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/15/01/