

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. 1639 of 2015 (D)

PETITIONER(S) :

**TOMSON MATHEW, AGED 42 YEARS,
S/O.MATHAI, KOTTARATHIL HOUSE, CHANDANAKKAMPARA.P.O.,
PAYYANNOOR, KANNUR DISTRICT.**

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, FINANCE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE SPECIAL DEPUTY TAHSILDAR (R.R),
KERALA STATE FINANCIAL CORPORATION LTD.,
KERALA STATE FINANCIAL ENTERPRISES, HASSAN ARCADE,
OPPOSITE CIVIL STATION, KANNUR-670 002.**
- 3. THE KERALA STATE FINANCIAL ENTERPRISES,
SREEKANTAPURAM BRANCH, PAYANNOOR, THALIPARAMBA,
KANNUR DISTRICT, PIN-670 631, REPRESENTED BY ITS MANAGER.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.SHYSON.P.MANGUZHA
R3 BY SRI.BABU VARGHESE (SENIOR ADVOCATE)
ADV. SRI.ALEXANDER.C.V., S.C,**

**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. 1639 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY
THE 2ND RESPONDENT DATED 06.11.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.1639 OF 2015

Dated this the 16th day of January, 2015

J U D G M E N T

The petitioner who is a subscriber of a chitty, defaulted in repayment of the same. Ext.P1 is the revenue recovery proceedings initiated by the 2nd respondent. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.Dinesh Mathew, the learned counsel appearing on behalf of the petitioner as also Sri.Shyson P. Manguzha, 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 petitioner is to permit him to remit the balance amounts outstanding to the bank in easy instalments. 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 for the purposes of regularising the transaction is

stated to be Rs.9,43,950/-. Accordingly, if the petitioner pays the aforesaid amount of Rs.9,43,950/- in 12 equal successive monthly instalments commencing from 31.01.2015, the recovery steps pursuant to Ext.P1 shall be kept in abeyance.

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

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

