

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 2097 of 2015 (J)

PETITIONER(S) :

**RAJEDRAN PILLAI, AGED 60 YEARS,
S/O.CHELLAPPAN PILLAI, KALEEKKAL PUTHEN VEEDU,
SOORANADU SOUTH, KUNNATHOOR, KOLLAM.**

**BY ADVS.SRI.B.MOHANLAL
SRI.K.PANIL KUMAR (SASTHAMCOTTA)**

RESPONDENT(S) :

- 1. THE KERALA STATE FINANCIAL ENTERPRISES,
REGISTERED OFFICE BHADRATHA, P.B.NO.510, MUSEUM ROAD,
CHEMBUKKAVU P.O., THRISSUR-20.**
- 2. THE SPECIAL DEPUTY TAHASILDAR (REVENUE RECOVERY),
KERALA STATE FINANCIAL ENTERPRISES LIMITED,
CHINNAKKADA, KOLLAM- 690 521.**
- 3. THE BRANCH MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LIMITED,
SASTHAMCOTTAH, SASTHAMCOTTAH P.O., KOLLAM- 690 521.**

BY ADV. SRI.V.N.SASIDHARAN, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1: THE TRUE COPY OF THE NOTICE NO.114/24/13-5 DATED 12.11.2014
ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.**
- EXT P2: THE TRUE COPY OF THE NOTICE NO.34(24/13-5) DATED 20.12.2014
ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.**
- EXT P3: THE TRUE COPY OF THE REPRESENTATION DATED 05.01.2015 FILED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 2097 of 2015 (J)
.....

Dated this the 13th day of February, 2015

JUDGMENT

The petitioner, who had availed of a chitty loan from the 1st respondent Company, defaulted in re-payment of the same. The 1st respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P1 and P2 are the notices issued by the 3rd respondent under the Revenue Recovery Act to the petitioner 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.B.Mohanlan, the learned counsel appearing for the petitioner and Sri.C.V.Alexander, learned Standing counsel appearing for the respondent Nos. 1 and 3.

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 overdue 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 overdue amount in respect of the loan is stated to be Rs.8,00,000/- together with accrued interest. Accordingly, if the petitioner remits an

amount of Rs.8,00,000/- together with accrued interest in seven equal and successive monthly installments commencing from 01.03.2015, and continues to pay the loan installments as per the original loan schedule, then, the recovery steps initiated against him by the respondent company 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/13/02/

The name of the standing counsel for respondents is corrected and substituted as “V.N.Sasidharan” instead of “C.V.Alexander” in paragraph 2 of the judgment in W.P. (C) No.2097/2015 as per order dated 27.03.2015 in I.A. No.4359/2015

sd/-
Registrar (Judicial)