

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 2539 of 2015 (N)

PETITIONER(S) :

- 1. VIJAYAN, AGED 35 YEARS,
S/O.BHASKARAN NADAR, S.V.SADANAM, CHOWARA,
KOTTUKAL, THIRUVANANTHAPURAM.**
- 2. PRADEEP, S/O.SIVANANDAN,
KUZHIYAMVILA, ROADARIKATHU VEEDU, PAYATTUVILA P.O.,
NEYYATTINKARA.**

BY ADV. SRI.G.SUDHEER

RESPONDENT(S) :

- 1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
HEAD OFFICE, THRISSUR- 681 035,
REPRESENTED BY ITS CHAIRMAN.**
- 2. SPECIAL TAHSILDAR (REVENUE RECOVERY),
KERALA STATE FINANCIAL ENTERPRISES LTD.,
AKSHAYA SHOPPING COMPLEX , NEYYANTTINKARA-695 121.**

**BY ADV. SRI.LAL GEORGE, S.C
BY ADV. SRI.ALEXANDER.C.V., S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 2539 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY
DATED 29.11.2014 ISSUED BY THE RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE RECEIPTS ISSUED BY THE RESPONDENT TO
THE 1ST PETITIONER.**

**EXHIBIT P3: TRUE COPY OF THE RECEIPTS ISSUED BY THE RESPONDENT TO
THE 2ND PETITIONER DATED 19.12.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.2539 of 2015 (N)

.....
Dated this the 23rd day of January, 2015

JUDGMENT

The petitioners, availed two chitties from the Neyyattinkara Branch of KSFE and in default committed by the petitioners in remitting the amount, the second respondent proceeded against the first petitioner's property to recover the amount. Ext.P1 is the sale notice issued in respect of the property of the first petitioner under Section 49(2) of the Revenue Recovery Act for recovery of the amount. In the writ petition, the petitioners impugn the steps initiated by the respondents for recovery of the loan amounts.

2. Heard Sri.G.Sudheer, learned counsel appearing for the petitioners and Sri.C.V.Alexander, learned Standing counsel appearing for the respondents.
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 petitioners is to permit them to remit the total amount outstanding to the respondents in easy installments. Taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioners to the respondents is stated to be an amount of Rs.19,03,901/- together with accrued interest. Accordingly, if the petitioners remit the entire amount of Rs.19,03,901/- together with accrued interest in ten equal and successive monthly instalments commencing from 16.02.2015, then, the recovery steps initiated by Ext.P1 shall be kept in abeyance.

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

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/24/01/