

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 3813 of 2015 (B)

PETITIONER(S):

- 1. AJITHKUMAR M. AGED 46 YEARS**
S/O.K.MADHAVAN ACHARI, AJITH MANZIL, PALARIVATTOM.P.O
ERNAKULAM DISTRICT, PIN-682 025
- 2. P.L.JOSE, AGED 67 YEARS**
S/O.LONAN, PALAPARMBIL HOUSE, MATHILAKOM
PAPPINIVATTOM VILLAGE, KODUNGALLUR TALUK
THRISSUR DISTRICT

BY ADVS.SRI.VARGHESE C.KURIAKOSE
SMT.ALLY PAUL THOTTAM

RESPONDENT(S):

- 1. STATE OF KERALA**
REP: BY SECRETARY, DEPARTMENT OF FINANCE, SECRETARAIT
TRIVANDRUM-695 001
- 2. THE KERALA STATE FINANCIAL ENTERPRISES LTD.**
H.O.CHEMBUKKAVU, THRISSUR
REP: BY ITS MANAGING DIRECTOR-680 001
- 3. THE BRANCH MANAGER**
THE KERALA STATE FINANCIAL ENTERPRISES
LTD. PALARIVATTOM BRANCH
PALARIVATTOM-682 025
- 4. THE BRANCH MANAGER**
THE KERALA STATE FINANCIAL ENTERPRISES LTD.
VYTTLA BRANCH, VYTTLA-682 019
- 5. THE SPECIAL DEPUTY TAHSILDAR (R.R)**
THE KERALA STATE FINANCIAL ENTERPRISES LTD.
CHEMBUKKAVU, THRISSUR-680 001.

R2,R3 & 4 BY ADV. SRI.P.V.LONACHAN
R BY GOVERNMENT PLEADER
R BY SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL
ENTERPRISES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 3813 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE PHOTOSTAT COPY OF THE DETAILS FURNISHED BY THE 3RD
RESPONDENT IN CHITTY NO.14/2009-18**

**EXT.P.2: TRUE PHOTOSTAT COPY OF DETAILS FURNISHED BY THE 4TH
RESPONDENT IN CHITTY NO.VTB 114/25/2008-31**

**EXT.P3: TRUE PHOTOSTAT COPY OF THE SALE NOTICE DATED 31.12.2014
ISSUED BY THE 5TH RESPONDENT**

**EXT.P.4: TRUE PHOTOSTAT COPY OF THE REQUEST FOR SETTLEMENT DATED
28.01.2015 SUBMITTED BY THE PETITIONERS**

**EXT.P.5: TRUE PHOTOSTAT COPY OF ACKNOWLEDGMENT CARD SIGNED BY
RESPONDENT NO.2**

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.3813 OF 2015 (B)

Dated this the 10th day of February, 2015

J U D G M E N T

The petitioners, who had availed of chitty loans from the 2nd respondent company, defaulted in repayment of the same. Consequently, the 3rd respondent initiated revenue recovery action against the petitioner under the Kerala Revenue Recovery Act. Ext.P3 is the sale notice issued by the 5th respondent. In the writ petition, the petitioners impugn the steps initiated by the respondents for recovery of the loan amounts.

2. I have heard Sri.Varghese C. Kuriakose, the learned counsel appearing for the petitioners, Sri.Alexander.C.V., the learned Standing counsel appearing for the respondent company as also Sri.Shyson P. Manguzha, the learned Government Pleader appearing for the State.

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 petitioners is to permit them to remit the balance amounts outstanding to the respondent company 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 1st respondent is stated to be Rs.16,05,152/- together with accrued interest and other charges. Accordingly, if the petitioners pay the above amount together with accrued interest and other charges in twenty equal and successive monthly installments commencing from 1.3.2015, then the recovery steps initiated against them by the respondents 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 respondent company will be free to continue the recovery proceedings against them from the stage at which they presently stand.

(iii) After the payment of the first installment, the 5th respondent shall furnish to the petitioners, the detailed statement showing the balance outstanding from the petitioners so as to enable the petitioners to make timely remittance of the balance installments. It shall also be open to the petitioners

to approach the 1st respondent company for settling the amounts under the One Time Settlement scheme, if any, available.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp