

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936**

**WP(C).No. 4245 of 2015 (E)**  
-----

**PETITIONER(S) :**  
-----

- 1. ELIZABETH JOSEPH,  
SIBI VILLA, DUTCH SQUARE, ALAPPUZHA-688 001**
- 2. SEBASTIAN JOSEPH,  
SIBI VILLA, DUTCH SQUARE, ALAPPUZHA-688 001**

**BY ADVS.SRI.K.NIRMALAN  
SRI.A.RAJASIMHAN**

**RESPONDENTS:**  
-----

- 1. KERALA STATE FINANCIAL ENTERPRISES LTD.,  
REPRESENTED BY ITS MANAGER, LOAN UNIT,  
SEA VIEW WARD, ALAPPUZHA. PIN-688 001**
- 2. SPECIAL DEPUTY COLLECTOR (RR),  
KERALA STATE FINANCIAL ENTERPRISES LTD.,  
SEA VIEW WARD, ALAPPUZHA. PIN-688 001**

**R1 BY SRI.BABU VARGHESE,SENIOR ADVOCATE  
SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL ENTERPRISES  
R2 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**WP(C).No. 4245 of 2015 (E)**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

**P1:- TRUE COPY OF THE NOTICE DTD 23/1/2015**

**P2:- TRUE COPY OF THE REQUEST DTD 12/1/2015**

**RESPONDENT(S)' EXHIBITS: NIL**

**/TRUE COPY/**

**P.A.TO.JUDGE**

**sts**

**A.K.JAYASANKARAN NAMBIAR, J.**

.....  
W.P.(C).No.4245 of 2015  
.....

Dated this the 12<sup>th</sup> day of February, 2015

**JUDGMENT**

The petitioners who are the sureties to a chitty loan availed from the respondent company, are aggrieved by the recovery steps initiated by the respondent company for realisation of the defaulted dues of the borrower. Ext.P1 is the recovery notice issued to the petitioners. In the writ petition, the petitioner impugns the steps initiated by the 2<sup>nd</sup> respondent for recovery of the loan amounts.

2. I have heard Sri.K.Nirmalan, the learned counsel for the petitioner and Sri.C.V.Alexander, the learned Standing counsel appearing on behalf of the 1<sup>st</sup> respondent and also Sri.Shyson P.Manguzha, the learned Government Pleader for 2<sup>nd</sup> respondent.

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 bank in easy instalments. 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 1<sup>st</sup>

respondent is stated to be Rs.18,74,078/- together with accrued interest and other charges. Accordingly, if the petitioners pay the aforesaid amount of Rs.18,74,078/- in 12 equal and successive monthly instalments commencing from 01.03.2015, then further proceedings for recovery shall be kept in abeyance.

ii. It is made clear that if the petitioners commit a default in respect of any of the instalments, 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 currently stand.

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

mns/

