

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. 4347 of 2015 (P)

PETITIONER:

**GEORGE THOMAS,
S/O.THOMAS, AGED 48 YEARS,
POOVATHUMMOOTIL HOUSE,
NEDUMKANDAM P.O,
IDUKKI DISTRICT, PIN-685 553.**

**BY ADVS.SRI.KRISHNADAS P. NAIR
SRI.HARIDAS P.NAIR
SMT.K.L.SREEKALA
SRI.M.A.VINOD
SRI.M.RAJESH KUMAR
SMT.G.GIGIMOL**

RESPONDENT(S):

- 1. THE BRANCH MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.
(K.S.F.E) KATTAPPANA, IDUKKI.**
- 2. THE SPECIAL DEPUTY THAHASILDAR,
KERALA STATE FINANCIAL ENTERPRISES LTD.
(K.S.F.E) BAKER JN., KOTTAYAM - 686 001.**
- 3. THE MANAGING DIRECTOR, REGISTERED OFFICE,
KERALA STATE FINANCIAL ENTERPRISES LTD. (K.S.F.E),
BHADRATHA, P.B.NO.510 MUSEUM ROAD,
THRISSUR, PIN - 680 020.**

**BY SRI.BABU VARGHESE (SENIOR ADVOCATE)
BY SRI.ALEXANDER.C.V., SC**

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

mbr/

WP(C).No. 4347 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 - THE TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE
1ST RESPONDENT DATED 28-1-2014.**
- EXT.P2 - THE TRUE COPY OF THE ORDER IN C.C.NO.171/14 DATED 25-8-2014.**
- EXT.P3 - THE TRUE COPY OF THE FINANCIAL STATEMENT ISSUED BY THE
1ST RESPONDENT DATED 19-12-2014.**
- EXT.P4 - THE TRUE COPY OF THE REVENUE RECOVERY NOTICE OF THE
2ND RESPONDENT DATED 5-3-2014.**
- EXT.P5 - THE TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT DATED 20-1-2015.**

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

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.4347 of 2015

.....
Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner who had availed of a Chitty loan from the 1st respondent company, defaulted in repayment of the same. Consequently, revenue recovery action was initiated against him for recovery of the amounts. Ext.P4 is the revenue recovery notice of the 2nd respondent. In the writ petition, the petitioner impugns the steps initiated by the 2nd respondent for recovery of the loan amounts.

2. I have heard Sri.Krishnadas P.Nair, the learned counsel for the petitioner and Sri.C.V.Alexander, the learned Standing counsel for 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 1st respondent company 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 1st respondent company in respect of the loan is stated to be Rs.25,28,624/- together with accrued interest and other charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.25,28,624/- in ten equal and successive monthly instalments commencing from 01.3.2015, then further proceedings for recovery 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 2nd 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/

