

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. 4578 of 2015 (V)

PETITIONER:

**JYOTHILEKSHMI .G, W/O.SREEMON,
SREEMANDIRATH, KOZHIKKODE MEKKU,
AYANIVELIKKULANGARA VILLAGE.**

BY ADV. SRI.M.R.SASITH

RESPONDENT(S):

- 1. DISTRICT COLLECTOR/AUTHORIZED OFFICER,
KOLLAM - 690 001.**
- 2. MANAGER, SYNDICATE BANK,
MYNAGAPPALLY, KARUNAGAPPALLY,
KOLLAM - 690 001.**
- 3. TAHASILDAR, TALUK OFFICE,
KARUNAGAPPALLY, KOLLAM - 690 001.**
- 4. VILLAGE OFFICER,
AYANIVELIKKULANGARA VILLAGE,
KUNNATHUR TALUK, KOLLAM - 690 001.**

**R1, R2 & R4 BY GOVERNMENT PLEADER SMT.LILLY LESSILY
R2 BY SRI.N.RAJENDRAN, 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. 4578 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1: TRUE COPY OF THE DEMAND NOTICE, DATED 30/01/2015 ISSUED BY
THE 3RD RESPONDENT.**

**EXHIBIT-P2: TRUE COPY OF THE DEMAND PRIOR TO THE ATTACHMENT OF LAND
NOTICE ISSUED BY THE 3RD RESPONDENT.**

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

/TRUE COPY/

P.A. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 4578 of 2015 (V)

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

JUDGMENT

The petitioner, who had availed of a vehicle loan from the 2nd respondent Bank, defaulted in re-payment of the same. When the petitioner became a defaulter, the 3rd respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Exts.P1 and P2 are the revenue recovery notices issued by the 3rd respondent 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.M.R.Sasith, the learned counsel appearing for the petitioner, Sri.N.Rajendran, learned Standing counsel appearing for the 2nd respondent and Smt.Lilly Lessely, learned Government Pleader 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 petitioner is to permit him to remit the total 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 amount outstanding from the

petitioner to the respondent is stated to be approximately Rs.6,00,000/- together with accrued interest. Accordingly, if the petitioner pays the said amount in ten equal and successive monthly installments commencing from 02.03.2015; then, the recovery steps initiated against him, 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 benefit 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/16/02/