

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. 4609 of 2015 (A)

PETITIONER(S):

**SMT.RENNY SUNNY, AGED 53 YEARS,
W/O. SUNNY, THERATTIL KOONAN HOUSE,
P.O. OLLUR, THRISSUR-680 306.**

**BY ADVS.SRI.P.SANKARANKUTTY NAIR,
SRI.K.SANDESH RAJA,
VENU MENON.**

RESPONDENT(S):

- 1. THE KSHEMANITHI KURIES & LOANS (P) LTD.,
(IN LIQN.), REPRESENTED BY THE OFFICIAL LIQUIDATOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. DEPUTY TAHSILDAR,
REVENUE RECOVERY OFFICE,
THRISSUR-20.**

**R1 BY ADV. SRI.K.MONI.
R2 BY GOVT. PLEADER SMT.SHOBA ANNAMMA EAPEN.**

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

rs.

WP(C).No. 4609 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT IN
C.C.NO.74/2011 AND 75/2011 C.P. NO.9/2009 DATED 26.07.2012.

EXHIBIT P2: TRUE COPY OF THE NOTICE NO.2014/16637/B DATED 12.05.2014.

EXHIBIT P3: TRUE COPY OF THE NOTICE NO.2014/16637/B NO.
DATED 24.05.2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.4609 OF 2015 (A)

Dated this the 26th day of February, 2015

J U D G M E N T

The challenge in the writ petition is against Exts.P2 and P3 revenue recovery notices that have been issued by the 2nd respondent at the instance of the 1st respondent. The petitioner, who was the subscriber of a kuri with the 1st respondent, had auctioned the kuri for an amount of Rs.50,000/- and defaulted in repayment of the amount to the 1st respondent. It would appear that the 1st respondent company subsequently filed for liquidation, and the official liquidator who was appointed by this Court, filed C.C.No.82/2011 for realisation of Rs.1,69,000/- together with interest at 12% from 8.9.2009 from the petitioner. The said company case was decreed by Ext.P1 judgment whereby the official liquidator was held entitled to realise the principal amount decreed, together with 12% interest from 8.9.2009 till the date of realisation. By the same judgment, the request of the respondent, who is the petitioner in the instant writ petition, for a permission to pay the amounts due to the company in ten equal monthly installments, the first of which was to be paid on or before

15.8.2012 and subsequent installment on or before 15th of every succeeding months, was accepted by the court and the petitioner was given the liberty to pay the amounts due to the company in installments. The right of the company to realise the principal amount decreed, together with 12% interest from 8.9.2009 till the date of realisation in the event of the petitioner defaulting on the installments, was also retained, as already noted. In the present writ petition, the prayer of the petitioner is essentially for the grant of an installment facility to discharge the dues to the respondent company, pursuant to Ext.P1 judgment and decree of this Court. It is also the case of the petitioner that, in the revenue recovery notices issued to her, there is an indication that collection charges, as applicable under the Revenue Recovery Act, would be collected from her.

2. I have heard Sri.Sandesh Raja, the learned counsel appearing for the petitioner as also K.Mani, the learned counsel appearing for the official liquidator on behalf of the 1st respondent company. I have also heard Sri.Sudheesh Kumar.S., the learned Government Pleader appearing for the 2nd respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar and taking into account the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

(i) The petitioner is permitted to clear the liability in Exts.P2 and P3 notices, to the exclusion of collection charges, if any, under the Revenue Recovery Act, in twelve equal and successive monthly installments commencing from 15.3.2015. The said payments shall be made directly to the office of the official liquidator, who represents the 1st respondent company in these proceedings.

(ii) It is made clear that if the petitioner defaults in any one installment, then she will lose the benefit of this judgment and the respondents will be free to continue recovery proceedings against her from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp