

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 4621 of 2015 (C)

PETITIONER :

**MANI, AGED 56 YEARS,
S/O.PHILIP, RESIDING AT PALAKKATHADATHIL HOUSE,
UPPUTHARA VILLAGE, UPPUTHARA P.O., PEERUMEDU TALUK,
IDUKKI DISTRICT.**

BY ADV. SRI.A.C.DEVASIA

RESPONDENTS :

- 1. DISTRICT COLLECTOR, IDUKKI
KUYILUMALA, PYNAVU, IDUKKI DISTRICT
689 908.**
- 2. THAHSILDAR, (R.R),
TALUK OFFICE, PEERUMEDU, PEERUMEDU
IDUKKI DISTRICT - 685 908.**
- 3. VILLAGE OFFICER,
UPPUTHARA VILLAGE OFFICE, UPPUTHARA,
PEERUMEDU TALUK, IDUKKI DISTRICT - 685 508.**
- 4. THE STATE BANK OF INDIA,
KATTAPPANA ADB, REPRESENTED BY ITS MANAGER,
KATTAPPANA, IDUKKI DISTRICT 685 508.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. SUDHEESH KUMAR
R4 BY SRI.R.S.KALKURA, SC, SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 4621 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE DEMAND NOTICE AND ATTACHMENT NOTICE
DATED 3/12/2014 ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.4621 of 2015 (C)

.....
Dated this the 24th day of February, 2015

JUDGMENT

The petitioner, who had availed of a Cash Credit facility from the 4th respondent Bank, defaulted in re-payment of the same. When the petitioner became a defaulter, the 4th respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P1 is the notice issued under the Revenue Recovery Act, 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.A.C.Devasia, the learned counsel appearing for the petitioner, Sri.R.S.Kalkura, learned Standing counsel appearing for the 4th respondent and Sri.Sudheesh Kumar, learned Government Pleader appearing for the respondent Nos.1 to 3.

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 bank is stated to be Rs.2,53,000/- together with accrued interest and other charges. Accordingly, if the petitioner remits an amount of Rs.2,53,000/- together with accrued interest and other charges in ten equal and successive monthly installments commencing from 05.03.2015, then, the recovery steps initiated against the petitioner for recovery of the amounts outstanding to the Bank 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 benefits 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/24/02/