

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4830 of 2015 (C)

PETITIONER :

**SIBY ROY,
M/S. ANNA WOOD INDUSTRIES,
NANGANCHERY, PANIPARA.P.O., KOTHAMANGALAM.**

BY ADV. SMT.M.VANAJA

RESPONDENT(S):

- 1. STATE BANK OF INDIA,
KOTHAMANGALAM BRANCH,
REP. BY ITS AUTHORISED OFFICER.**
- 2. THE AUTHORISED OFFICER, STATE BANK OF INDIA,
KOTHAMANGALAM BRANCH.**

R1 & R2 BY ADV. SMT.S.AMBILY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.4830/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 PHOTOGRAPHS OF THE PETITIONERS WORKSHOP.**
- P2 COPY OF THE RECEIPT SHOWING THE PAYMENT MADE INTO THE BANK.**
- P3 COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER FROM
 THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.4830 of 2015 - C

=====

Dated this the 16th day of February, 2015

J U D G M E N T

The petitioner, a defaulter in repaying the loan availed of from the 1st respondent is before this Court challenging the recovery proceedings initiated against him. The liability and the default are admitted and the only contention is against failure to intimate quantification. Considering the facts of the case and the alleged impecunious circumstances of the petitioner, this writ petition is disposed of on the following terms:-

(i) The petitioner shall produce a certified copy of this judgment before the 2nd respondent within two weeks of receipt of the same.

(ii) The 2nd respondent shall quantify the amounts due under the various transactions of the petitioner and inform the petitioner in writing the amounts due as on 01.03.2015.

(iii) The 2nd respondent shall grant fifteen monthly instalments for the payment of the balance dues, starting from 16.03.2015.

(iv) Recovery proceedings shall be kept in abeyance on condition that the remittances as per this order are made without any default.

(v) On the petitioner making a single default, the recovery steps initiated shall revive and continue.

(vi) On the 16th instalment being satisfied, the 2nd respondent shall issue a statement of the interest accrued from 01.03.2015 which shall be satisfied by the petitioner on the 16th of the succeeding month.

(vii) On the petitioner satisfying the entire arrears, the recovery proceedings shall be unenforceable.

Writ Petition is disposed of as above, making it clear that the 2nd respondent will be free to proceed with the recovery if the above conditions are not complied with.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.Ato Judge