

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C) .No. 5298 of 2015 (J)

PETITIONER(S) :

1. SAMEER MAHIN,
VALIYAPURAYIL HOUSE, ISLAH,
KODUNGALLUR P.O.,
THRISSUR-680 664.

2. MRS. MINI N.K.,
VALIYAPURAYIL HOUSE, ISLAH,
KODUNGALLUR P.O.,
THRISSUR-680 664.

BY ADVS.SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SMT.RABIA BEEGAM T.K.
SRI.JOBI.A.THAMPI
SRI.GEORGE C.K.

RESPONDENT(S) :

1. DEPUTY TAHSILDAR (R.R) ,
TALUK OFFICE, KODUNGALLOOR,
THRISSUR DISTRICT, PIN-680 664.

2. VILLAGE OFFICER,
LOKAMALESWARAM VILLAGE,
KODUNGALLUR THALUK, THRISSUR,
PIN-680 664.

3. MANAGER,
STATE BANK OF INDIA, MAMSON CENTER, WEST NADA,
KODUNGALLUR, BRANCH CODE 10563, THRISSUR.

BY SRI.R.S.KALKURA, SC, SBI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1: TRUE COPY OF THE SALE CERTIFICATE DATED 15TH JUNE 2013.
- EXT.P2: TRUE COPY OF THE NEW VEHICLE SALE INVOICE ISSUED FROM THE RENAULT THRISSUR DATED 15TH JUNE 2013.
- EXT.P3: THE CERTIFICATE OF THE REGISTRATION OF THE VEHICLE KL-47-D-16 ISSUED FROM THE OFFICE OF THE ASSISTANT REGIONAL TRANSPORT OFFICER, KODUNGALLUR.
- EXT.P4: TRUE COPY OF THE STATEMENT OF ACCOUNTS ISSUED BY THE 3RD RESPONDENT FROM 17.5.2013 TO 16.2.2015.
- EXT.P5: TRUE COPY OF THE DEMAND NOTICE DATED 4.2.2015 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.
- EXT.P6: TRUE COPY OF THE DEMAND NOTICE PRIOR TO ATTACHMENT OF LAND DATED 4.2.2015 ISSUED UNDER SECTION 34 OF REVENUE RECOVERY ACT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 5298 of 2015 (J)

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

JUDGMENT

The 2nd petitioner, who had availed of a loan from the 3rd respondent Bank, and the 1st petitioner, who stood as a guarantor and created equitable mortgage on their property, defaulted in re-payment of the same. When the petitioner became a defaulter, the respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P5 and P6 are the demand notices issued under Section 7 and 34 of the Revenue Recovery Act, to the petitioner in that regard. In the writ petition, the petitioners impugn the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Smt.Aysha Youseff, learned counsel appearing for the petitioners and Sri.R.S.Kalkura, learned Standing counsel appearing 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 total overdue amount 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 overdue amount in respect of the loan is stated to be Rs.1,40,230/- together with accrued interest and other charges. Accordingly, if the petitioners pay the said amount of Rs.1,40,230/-, together with accrued interest and other charges, in four equal and successive monthly instalments commencing from 27.03.2015; and continues to pay the regular monthly installments as per the original loan schedule, then, the recovery steps initiated against them by the respondent bank shall be kept in abeyance.

- ii. It is made clear that, if the petitioners commit a default in respect of any of the installments, they will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against them from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/13/03/