

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5645 of 2015 (E)

PETITIONER:

**SREEKALA, AGED 40,
D/O.BHANUMATHY AMMA, INDEEVARAM,
PANATHADIKONAM, PARASSUVAIKKAL P.O.**

**BY ADVS.SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP
SMT.P..S.ANJU**

RESPONDENT(S):

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
REGISTERED OFFICE: 'BHADRATHA', P.B.NO.510,
MUSEUM ROAD, THRISSUR-680 020.**
- 2. MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
PARASSALA BRANCH - 695 502.**
- 3. MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
UDIYANKULANGARA BRANCH - 695 525.**
- 4. MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
MEDICAL COLLEGE BRANCH - 695 001.**
- 5. MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
KAZHAKKUTTOM BRANCH - 695 582.**
- 6. SPECIAL DEPUTY TAHSILDAR (R.R.),
K.S.F.E. LTD, NEYYATTINKARA - 695 121.**

**BY SRI.LAL GEORGE, SC
BY SRI.ALEXANDER.C.V., SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 5645 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE FIRST PAGE OF CHITTY PASS BOOK FOR CHITTY NO.3/2009 OF PARASSALA BRANCH OF FIRST RESPONDENT DATED 13-1-2009.**
- P2 - TRUE COPY OF THE FIRST PAGE OF CHITTY PASS BOOK FOR CHITTY NO.9/2009 OF UDIYANKULANGARA BRANCH OF 1ST RESPONDENT.**
- P3 - TRUE COPY OF THE FIRST PAGE OF CHITTY PASS BOOK FOR CHITTY NO.177/2009 OF MEDICAL COLLEGE BRANCH OF FIRST RESPONDENT DATED 13-10-2009.**
- P4 - TRUE COPY OF THE FIRST PAGE OF CHITTY PASS BOOK FOR CHITTY NO.18/2009 OF KAZHAKUTTOM BRANCH OF FIRST RESPONDENT DATED 19-9-2009.**
- P5 - TRUE COPY OF THE COMMUNICATION DATED 5-1-2015 IN THIS REGARD FROM FIRST RESPONDENT TO PETITIONER.**

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

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.5645 OF 2015

Dated this the 25th day of February, 2015

J U D G M E N T

The petitioner, who was the subscriber of four chitties conducted by the respondent company through its branches, defaulted in repayment of the loan amounts. Ext.P5 is the copy of the demand notice issued by the 1st respondent to the petitioner. Consequently, the respondent company initiated proceedings under the Revenue Recovery Act to recover the loan amounts. In the writ petition, the petitioner impugns the steps initiated by the respondent company for recovery of the loan amounts.

2. I have heard Sri.S.V.Premakumaran Nair, the learned counsel appearing on behalf of the petitioner as also Sri.Alexander.C.V., the learned Standing counsel appearing on behalf of 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 balance amounts outstanding to the company in easy instalments. 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 to the respondent company in respect of all the four chitties is stated Rs.21,00,359/- together with accrued interest and other charges, Accordingly, if the petitioner remits the said amount of Rs.21,00,359/- together with accrued interest and other charges in 12 equal and successive monthly installments commencing from 16.03.2015, then further proceedings for recovery of the amounts shall be kept in abeyance.

(ii).It is made clear that the petitioner will be free to make the payments as directed above before the 3rd respondent and the 3rd respondent shall in turn take up the matter with the 1st respondent for the purposes of allocation of the amounts to various branches.

(iii) It is made clear that if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondent company will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

