

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 5646 of 2015 (E)

PETITIONER(S):

**C.A. LIYAKATH, AGED 55 YEARS,
S/O.ABDULKHADAR KUNJU, CHAYAKKARANPARAMBIL,
NEAR MOHIDEEN MOSQUE, KAYAMKULAM.**

**BY ADVS.SRI.M.K.CHANDRA MOHANDAS,
SRI.K.SATHIYANANDAN PILLAY,
SRI.SHAKTHI PRAKASH,
SRI.PRATHEEK VISWANATHAN,
SRI.JIMMY.N.JOSEPH,
SMT.K.K.RAZIA,
SRI.JISHNU. M.J.**

RESPONDENT(S):

- 1. CANARA BANK, KAYAMKULAM BRANCH,
REPRESENTED BY ITS SENIOR MANAGER,
PIN: 690 502.**
- 2. DR.THOMAS, AGED 66 YEARS,
S/O.MATHEW, KARANATHU, K.P.A.C. JUNCTION,
KAYAMKULAM - 690 512.**
- 3. DEPUTY TAHSILDAR,
TALUK OFFICE, KARTHIKAPPALLY - 690 519.**

**R1 BY ADV. SRI.K.S.DILIP, SC.
R3 BY GOVT. PLEADER SMT.SHOBA ANNAMMA EAPEN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: A COPY OF THE AFFIDAVIT IN IN OS. 90/2012 IN CUPPORT OF
I.A. NO.1431/2014.
- P2: A COPY OF THE PETITION IN IA NO.1431/2014 IN OS. NO.90/2012.
- P3: A COPY OF THE DEMAND NOTICE DATED 20/09/2014.
- P4: COPY OF THE DEMAND NOTICE UNDER REVENUE RECOVERY ACT
PRIOR TO ATTACHMENT OF LAND IN FORM NO.10 DATED 20/09/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 5646 of 2015 (E)

.....
Dated this the 11th day of March, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent Bank, defaulted in repayment of the same. The respondent Bank thereafter filed a suit before the Sub Court, Mavelikkara and obtained a decree against the petitioner. The revenue recovery proceedings were thereafter initiated for the purposes of recovery of the said amount from the petitioner. Exts.P3 and P4 are the demand notices issued by the 3rd respondent 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. I have heard Sri.M.K.Chandramohan Das, the learned counsel for the petitioner and Sri.K.S.Dilip, the learned Standing counsel appearing for the respondents.

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.2,85,000/- together with accrued interest and other charges. Accordingly, if the petitioner pays the amount of Rs.2,85,000/- together with accrued interest and other charges in eight equal and successive monthly installments commencing from 25.03.2015, 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/11/03/

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