

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 5939 of 2015 (N)

PETITIONER:

**KUNJUMON P.P,
S/O.PEETHAMPARAN, PALAKKATHADAM HOUSE,
KATTAPPANA.P.O., IDUKKI DISTRICT.**

BY ADV. SRI.N.MANOJ KUMAR

RESPONDENTS:

- 1. THE BRANCH MANAGER,
UNION BANK OF INDIA, KATTAPPANA BRANCH,
IDUKKI DISTRICT-685 608.**
- 2. THE DEPUTY TAHASILDAR(RR),
NEDUMKANDAM, IDUKKI DISTRICT-685 553.**
- 3. THE VILLAGE OFFICER,
PAMPADUMPARA VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT-685 554.**

**R1 BY ADV. SRI.A.S.P.KURUP, SC, UBI
R2 & R3 BY SR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF LETTER DATED 02/08/2004 OF THE IST RESPONDENT
 SANCTIONING LOAN TO THE PETITIONER
- EXT.P2 TRUE COPY OF THE RECEIPT DATED 13/08/2014 ISSUED BY THE IST
 RESPONDENT ACKNOWLEDGING THE DEPOSIT OT TITLE DEED
- EXT.P3 TRUE COPY OF THE RECOVERY NOTICE DATED 05/12/2014 ISSUED
 UNDER SECTION 34 OF THE REVENUE RECOVERY ACT
- EXT.P4 TRUE COPY OF THE RECOVERY NOTICE DATED 05/12/2014
 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT
- EXT.P5 TRUE COPY OF STATEMENT OF ACCOUNTS DATED 16/02/2015
 ISSUED BY THE IST RESPONDENT
- EXT.P6 TRUE COPY OF THE LETTER DATED 21/02/2015 SUBMITTED TO THE
 IST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.5939 OF 2015 (N)

Dated this the 19th day of March, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act', to recover the loan amounts. Exts.P3 and P4 are the notices issued to the petitioner under the RR Act. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing for the petitioner as also the learned Standing counsel appearing for the respondent bank.

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 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.8,25,000/- together with accrued interest and other charges from September, 2014 onwards. Accordingly, if the petitioner pays the said amount of Rs.8,25,000/- together with accrued interest and other charges, in twelve equal and successive monthly installments commencing from 20.4.2015, then the further proceedings initiated against him by the respondent 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 benefit 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.

A.K.JAYASANKARAN NAMBIAR
JUDGE

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