

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 6020 of 2015 (B)

PETITIONER(S)/PETITIONER:

**ASSAIN.P, AGED 56 YEARS,
S/O.MOIDEENKUTTY HAJI, PULLATT HOUSE
KANAMANGALAM P O, MALAPPURAM DIST, PIN-676305**

**BY ADVS.SRI.K.T.SIDHIQ
SRI.T.K.AJITH KUMAR**

RESPONDENT(S)/RESPONDENTS:

- 1. CANARA BANK
KUNNUPURAM BRANCH, MALAPPURAM DIST
REP BY THE BRANCH MANAGER 676 305**
- 2. THE DEPUTY TAHSILDAR, REVENUE RECOVERY
TIRURANGADI TALUK, KUNNAMANGALAM P O, PIN-682011**

**R BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA
R BY SRI.V.B.HARI NARAYANAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 6020 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1:-TRUE COPY OF THE DEMAND NOTICE U/S.7 OF THE R R ACT DTD
19/1/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**

**EXT.P2:-TRUE COPY OF THE DEMAND NOTICE U/S.34 OF THE R R ACT DTD
19/1/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**

EXT.P3:-TRUE COPY OF THE STATEMENT OF ACCOUNT

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.6020 OF 2015 (B)

Dated this the 26th 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. Accordingly, the respondent bank initiated proceedings by filing a suit before the Munsiff's Court, Parappanangadi. The said suit was decreed, and the petitioner became liable to pay the defaulted amounts to the respondent bank. Although in the writ petition, the petitioner takes up a point of limitation, while challenging the recovery proceedings initiated against him under the Kerala Revenue Recovery Act, it was pointed out by counsel for the respondent bank that, inasmuch as the recovery is pursuant to a decree, the limitation period for recovering the amounts would be 12 years and not 3 years. Faced with this situation, the learned counsel for the petitioner would pray for the grant of installments for effecting repayment of the defaulted amounts.

2. I have heard the learned counsel appearing for the petitioner, the learned Standing counsel appearing for the respondent

bank as also the learned Government Pleader appearing for the 2nd respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar and also taking into account of the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

(i) The total amount due from the petitioner to the respondent bank, is stated to be Rs.71,409/- together with accrued interest from 24.12.2014 onwards, and other charges. Accordingly, if the petitioner pays an amount of Rs.25,000/- on or before 20.4.2015, and remits the balance outstanding amount in five equal and successive monthly installments commencing from 20.5.2015, then the further proceedings for recovery as against the petitioner shall be kept in abeyance.

(ii) It is further 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

prp