IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 6714 of 2015 (L)

PETITIONER(S):
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1. K.S. SABEENA, AGED 38 YEARS,
W/O.K.A.SALIM, KUNNATHU VALAPPIL HOUSE,
MALA - KAKKATTIRI, PALAKKAD DISTRICT, PIN - 679 534.

2. SALIM K.A., AGED 40 YEARS,
KUNNATHU VALAPPIL HOUSE, MALA - KAKKATTIRI,
PALAKKAD DISTRICT, PIN - 679 534.

BY ADV. SRI.K.A.MANZOOR ALI.

RESPONDENT(S):
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1. THE CHIEF MANAGER,
CANARA BANK, PERUMPILAVU,
PIN - 680 519.

2. THE AUTHORISED OFFICER,
CANARA BANK, PERUMPILAVU BRANCH,
P.O. KARIKKAD, PIN - 680 519.

BY ADV. DR.PAULY MATHEW MURICKEN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 6714 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P-1: TRUE COPY OF THE ONE TIME SETTLEMENT BY WAY OF LETTER DATED 18.01.2013.

EXT.P-2: TRUE COPY OF THE LETTER DATED 03.11.2014 INTIMATING THE RECOVERY ADALATH ISSUED TO THE PETITIONERS.

EXT.P-3: TRUE COPY OF THE LETTER DATED 15.11.2014 SANCTIONING ONE TIME SETTLEMENT BY THE RESPONDENT BANK TO THE PETITIONER.

EXT.P-4: TRUE COPY OF THE SPOT PAYMENT SLIP DATED 15.11.2014 REMITTED BY THE PETITIONER.

EXT.P-5: TRUE COPY OF THE TREATMENT RECORDS OF THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C). No. 6714 of 2015

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Dated this the 10th day of March, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. In the writ petition, the case of the petitioner is that, although the respondent bank had granted a One Time Settlement facility, he had to stop payments under the said facility on account of financial hardship and therefore, he lost out on the opportunity to make payments in accordance with the said scheme.

2. In the writ petition, his prayer is for a direction to the respondent bank to extend the benefit of the scheme once more, so that he could discharge the reduced liability as contemplated under the scheme in easy installments.

3. I have heard Sri. K.A. Manzoor Ali, the learned counsel appearing on behalf of the petitioner as also Sri.Pauly Mathew Muricken, the learned Standing Counsel appearing on behalf of the respondents.

4. On a consideration of the facts and circumstances of the case and the submissions made across the bar and taking into

account the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

i) The total amount of outstanding from the petitioner to the respondent bank, without the extension of the benefit of OTS scheme, is stated to be Rs. ₹ 17,70,483/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs. 17,70,483/- together with accrued interest in twelve equal and successive monthly installments commencing from 16.03.2015, then further proceedings for recovery initiated against the petitioner by the respondent bank shall be kept in abeyance.

ii) On payment of the 1st installment, the petitioner will be free to approach the respondent bank with a request for the extension of OTS facility. If the respondent bank accedes to the said request of the petitioner, then the respondent bank shall immediately inform the petitioner of the balance amount to be paid by him in accordance with the OTS scheme. In that event, the petitioner shall be required to effect payment of only the reduced amount, pursuant to this judgment.

iii) It is made clear that if the petitioner defaults in any of the conditions, then 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das