IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 6863 of 2015 (G)

PETITIONER:

NOWSHAD M.,
S/O.MUHAMMED KUNJU,
AGED 32 YEARS,MADATHAIL, THARAYIL,
SOUTH KOCHUMURI, OACHIRA, KOLLAM.

BY ADVS.SRI.K.SIJU
SMT.S.SEETHA
SMT.NIMA JACOB

RESPONDENT(S):
----

1. TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, KARTHIKAPPALLY,
ALAPPUZHA DISTRICT-690 516.

2. VILLAGE OFFICER,
PUTHUPPALLY VILLAGE, KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT-690 516.

3. SYNDINCATE BANK,
KRISHNAPURAM BRANCH,
ALAPPUZHA DISTRICT-690 533.

R1 & R2 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA
R3 BY SRI.R.S. KALKURA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 6863 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT P1 : **A TRUE COPY OF THE NOTICE NO.2015/118/4/400 DATED 23-01-2015 ISSUED FROM THE 1ST RESPONDENT'S OFFICE.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

...

W.P.(C) No. 6863 of 2015 (G)

...

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner, who had availed of a loan from the 3rd respondent Bank, defaulted in re-payment of the same. When the petitioner became a defaulter, the respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P1 is the notice issued under Section 7 of the Revenue Recovery Act, 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. Heard Sri.Siju Kamalasanan, the learned counsel appearing for the petitioner, Sri.Shyson P.Manguzha, the learned Government Pleader appearing on behalf of the respondent Nos.1 and 2 and Sri.R.S.Kalkura, learned Standing counsel appearing for the 3rd respondent.

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 total overdue amount 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 overdue amount in respect of the loan agreement is stated to be Rs.1,49,243/- together with accrued interest and other charges. Accordingly if the petitioner remits the said amount of Rs.1,49,243/- together with accrued interest and other charges in six equal and successive monthly instalments commencing from 25.03.2015, and continues to pay the regular monthly installments as per the original loan schedule, then, the recovery steps 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 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/13/03/

xxx