IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 6919 of 2015 (L)

PETITIONER(S):

SUPRIYA. M., AGED 29 YEARS,
W/O.MANOJ. K., KUNNANATH HOUSE,
THOZHUVANOOR, VALANCHERRY,
MALAPPURAM DISTRICT, PIN - 676 552.

BY ADVS.SRI.SANTHEEP ANKARATH,
SRI.Y.JAFAR KHAN.

RESPONDENTS:

---

1. BRANCH MANAGER,
INDIAN OVERSEAS BANK, CALICUT ROAD,
VALANCHERY-676 552, MALAPPURAM DISTRICT.

2. DEPUTY TAHSILDAR (RR),
TALUK OFFICE, TIRUR,
MALAPPURAM DISTRICT - 676 101.

R1 BY ADV. SRI.SUNIL SHANKAR, SC.
R2 BY GOVT. PLEADER SRI.SUDHEESH KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-03-2015, ALONG WITH WP(C). NO.6925 OF 2015 AND WP(C). NO. 6926 OF 2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 6919 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1:	TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER AGAINST THE SUPPLIER OF THE VEHICLE AND DATED 22/10/2013 BEFORE THE CONSUMER DISPUTES REDRESSAL FORUM, KOZHIKODE.
EXT.P2:	TRUE COPY OF NOTICE DATED 19/11/2014 ISSUED UNDER SEC.7 OF REVENUE RECOVERY ACT BY THE 2ND RESPONDENT (TALUK FILE NO. 2014/710/10/400).
EXT.P3:	TRUE COPY OF NOTICE DATED 19/11/2014 ISSUED UNDER SEC. 7 OF REVENUE RECOVERY ACT BY THE 2ND RESPONDENT (TALUK FILE NO. 2014/711/10/400).
EXT.P4:	TRUE COPY OF RECEIPT DATED 29/12/2014 FOR RS.5,50,000/- ISSUED BY INDIAN OVERSEAS BANK.
EXT.P5:	TRUE COPY OF RECEIPT DATED 29/12/2014 FOR RS.2,50,000/- ISSUED BY INDIAN OVERSEAS BANK.
EXT.P6:	TRUE COPY OF RECEIPT DATED 30/12/2014 FOR RS.2,00,000/- ISSUED BY INDIAN OVERSEAS BANK.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

...

W.P.(C) Nos.6919, 6925 & 6926 of 2015

...

Dated this the 5th day of March, 2015

JUDGMENT

The petitioners in all these writ petitions, are persons who availed of loans from the respondent Bank for the purposes of purchase of vehicles. The petitioners defaulted in repayment of the loans and, consequently, recovery proceedings were initiated by the respondent Bank under the provisions of the Kerala Revenue Recovery Act, 1968.

2. In the writ petitions, the petitioners challenge the action initiated by the respondents on the ground that, while they have effected substantial payments towards the defaulted instalments on the loans, the respondent Bank does not appear to have credited the same in their account, and that, according to them, is the reason for the issuance of the notices to them.

3. I have heard Sri.Santheep Ankarath, the learned counsel for the petitioners, Sri.Sunil Shankar, the learned Standing counsel for the respondent Bank and Sri.Sudheesh Kumar, the learned Government Pleader appearing on behalf of the official respondents, in all these writ petitions.

4. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I find that the total overdue amount in respect of the loans availed by the petitioners in all these writ petitions, is Rs.19,25,000/- together with accured interest. I find

that, if an amount of Rs.5,00,000/- is paid by the petitioners, then, that would be sufficient to regularise three of the loan accounts. The remaining amount would be required to be deposited by the petitioners for regularising the other two loan accounts. Accordingly, I dispose these writ petitions with the following directions :

i. If the petitioners pay an amount of Rs.5,00,000/- on or before 30.03.2015 and thereafter pay the balance overdue amount of Rs.14,25,000/- together with accrued interest in ten equal and successive monthly instalments commencing from 20.04.2015 and continue to pay the regular monthly instalments as per the original loan schedules, then, further proceedings for recovery of the loan amount from the petitioners shall be kept in abeyance by the respondent Bank.

ii. It is made clear that, if the petitioners commit a default in respect of any of the installments, they will lose the benefits of this judgment and the respondent bank will be free to continue the recovery proceedings against them from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/07/03/