

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 7049 of 2015 (E)

PETITIONER(S):

**VALSALA P.K., W/O.BHARATHAN V.C.,
AGED 43 YEARS, VC NIVAS,
NADUVANGAD, P.O. MADAVOOR,
VIA. NARIKKUNI, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.P.R.SREEJITH,
SRI.M.PROMODH KUMAR.**

RESPONDENT(S):

- 1. THE BRANCH MANAGER,
SRI GOKULAM CHIT AND FINANCE COMPANY PVT. LTD.
KUNNAMANGALAM BRANCH, OPP.NEW BUS STAND,
KUNNAMANGALAM, KOZHIKODE DISTRICT.**
- 2. THE TAHSILDAR (REVENUE RECOVERY),
CIVIL STATION, KOZHIKODE-673 002.**

**R1 BY ADVS. SRI.K.S.BABU,
SMT.N.SUDHA,
SRI.K.S.GOPI,
SRI.BABU SHANKAR,
SRI.K.V.WINSTON.
R2 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1 : TRUE COPY OF THE PETITIONER'S REGISTRATION CARD WITH
REGIONAL CANCER CENTER, THIRUVANANTHAPURAM.
- EXT P2 : A TRUE COPY OF THE APPOINTMENT SLIP DATED 06-10-2014 FROM
REGIONAL CANCER CENTER, THIRUVANANTHAPURAM.
- EXT P3 : A TRUE COPY OF THE 2ND RESPONDENT'S DEMAND NOTICE
DATED 29-12-2014 UNDER THE KERALA REVENUE RECOVERY ACT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 7049 of 2015

Dated this the 27th day of March, 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent Company, defaulted in repayment of the same. Consequently, the respondent Company initiated proceedings under the Kerala Revenue Recovery Act, to recover the loan amounts. Ext.P3 is the notice issued to the petitioner under the Kerala Revenue Recovery Act. In the writ petition, the petitioner impugns the steps initiated by the respondent Company for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

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 her to remit the balance amounts outstanding to the Company 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 outstanding amount, from the petitioner to the respondents, is stated to be

Rs.2,42,000/- together with accrued interest and other charges. Accordingly, if the petitioner remits the aforesaid amount of Rs.2,42,000/- together with accrued interest and other charges in twelve equal and successive monthly installments commencing from 10.04.2015, then the recovery steps initiated against her by the respondent Company 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 Company will be free to continue the recovery proceedings against her from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE