

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 7151 of 2015 (T)

PETITIONER(S):

**BUSHRA V.A., AGED 39 YEARS
S/O.IBRAHIM NAZAR, RESIDING AT 9/112
VAZHAPPILLY HOUSE, KUMARANELLORE P.O.
THRISSUR- 680 590.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SRI.S.NITHIN (ANCHAL)**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
COLLECTORATE, THRISSUR - 680 001.**
- 2. THE TAHSILDAR,
TALAPILLY TALUK, WADAKKANCHERY POST
THRISSUR - 680 582.**
- 3. THE VILLAGE OFFICER,
ENCHAKKAD, WADAKKANCHERY POST, THRISSUR - 680 582.**
- 4. THE STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS CHIEF MANAGER
WADAKKANCHERY BRANCH, THRISSUR - 680 582.**

**R1-3 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA
R4 BY ADVS. SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 7151 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1- DATED 10/09/2014- TRUE COPY OF DEMAND NOTICE ISSUED BY
RESPONDENT NO.4 TO THE PETITIONER.**

**EXT P2- DATED 23/01/2015, TRUE COPY OF THE DEMAND PRIOR TO
ATTACHMENT OF LAND ISSUED TO THE PETITIONER BY 1ST
RESPONDENT (FORMS NO.1 AND 10).**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.7151 OF 2015

Dated this the 6th 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. The respondent bank thereafter initiated revenue recovery proceedings against the petitioner. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.P.B.Krishnan, the learned counsel appearing on behalf of the petitioner, Sri.Jayesh Mohan Kumar, the learned Standing counsel for the 4th respondent and also Sri.Shyson P.Manghuzha, the learned Government Pleader appearing on behalf of the respondents 1 to 3.

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 balance amounts outstanding to the bank in easy instalments. 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 availed by the petitioner is stated to be Rs.5,75,000/-together with accrued interest and other charges. Accordingly, if the petitioner pays an amount of Rs.2,00,000/- on or before 30.03.2015, and pays the balance amount of Rs.3,75,000/-, together with accrued interest and other charges in three equal successive monthly instalments commencing from 20.04.2015, further proceedings for recovery shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the instalments, 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

mns

