

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No.7304 of 2015 (K)

PETITIONER:

**K.MADHUSUDANAN,S/O.KRISHNASWAMY,
12/90 NANDANAM,POOJA NAGAR,
PUTHUR,PALAKKAD 678 001.**

**BY ADVS.SRI.A.R.GANGADAS
SRI.M.L.SURESH KUMAR**

RESPONDENTS:

- 1. THE KERALA FINANCIAL ENTERPRISES,
REPRESENTED BY MANAGER,BRANCH II,
SHOBHA COMPLEX,R.S.ROAD,PALAKKAD-1.**
- 2. THE ASSISTANT PROJECT OFFICER,
LIVE STOCK DEPARTMENT,REGIONAL A-I CENTRE,
VETERINARY DISPENSARY,ERUTHEMPATHY,
PALAKKAD - 678 555.**

**R1 BY SRI.V.N.SASIDHARAN.,SC,KSFE.
SRI.ALEXANDER.C.V.,SC, KSFE
R2 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.7304 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1-TRUE COPY OF THE PASS BOOK ISSUED BY 1ST RESPONDENT TO THE
PETITIONER REGARDING CHITTY NO.93/2012.**

**EXT.P2-TRUE COPY OF THE RECEIPT DATED 2014 ISSUED BY THE FIRST
RESPONDENT.**

EXT.P3-TRUE COPY OF THE BANK STATEMENT DATED 26.2.2015.

**EXT.P4-TRUE COPY OF THE COMUNIAION DATED 29.1.2015 ISSUED BY THE 1ST
RESPONDENT TO THE SECOND RESPONDENT.**

**EXT.P5-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT DATED 21.2.2015.**

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.7304 of 2015

.....
Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner who had joined a Chitty with the 1st respondent company, defaulted in repayment of the instalments. Consequently, the respondent company initiated proceedings under the Revenue Recovery Act for recovery of the amounts. 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 for the petitioner and the learned Standing counsel for 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 him to remit the balance amounts outstanding to the respondent company 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 amount outstanding from the petitioner to the respondent company in respect of the loan is stated to be Rs.1,45,871/- together

with accrued interest and other charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.1,45,871/- together with accrued interest and other charges in six equal and successive monthly instalments commencing from 25.3.2015, then further proceedings for recovery against the petitioner as well as the surety 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 2nd respondent will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

