

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 7619 of 2015 (B)

PETITIONERS :

- 1. T.M.MATHEW, AGED 78 YEARS, ADACKANATT HOUSE,
EDAKKUNNAM P.O., KANJIRAPPALLY, KOTTAYAM.**
- 2. TONY MATHEW, S/O.T.M.MATHEW, ADACKANATT HOUSE,
EDAKKUNNAM P.O., KANJIRAPPALLY, KOTTAYAM.**
- 3. ANNAMMA MATHEW, W/O.T.M.MATHEW,
ADACKANATT HOUSE, EDAKKUNNAM P.O., KANJIRAPPALLY
KOTTAYAM.**

BY ADV. SRI.M.J.THOMAS

RESPONDENTS :

- 1. FEDERAL BANK LTD., ALUVA, REPRESENTED BY
MANAGING DIRECTOR PIN - 682 101.**
- 2. BRANCH MANAGER, FEDERAL BANK LIMITED,
PULICKAL KAVALA BRANCH,KOTTAYAM - 686 001.**
- 3. DEPUTY TAHSILDAR, REVENUE RECOVERY, TALUK OFFICE,
CHANGANASSERY, KOTTAYAM - 686 001.**
- 4. VILLAGE OFFICER, EDAKKUNNAM, KANJIRAPPALLY - 686 577.**

R1 & R2 BY ADV. SRI.A.ANTONY

BY ADV. SMT.LEELAMMA ANTONY

R3 & R4 BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 7619 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 20.11.2014 ISSUED BY THE 3RD
RESPONDENT AND COUNTER SIGNED BY THE 2ND RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF RS.ONE
LAKH.**

**EXHIBIT P3: TRUE COPY OF THE RECEIPT DATED 30.1.2015 PETITIONER
EVIDENCING PAYMENT OF RS.52,500/- AT THE VILLAGE OFFICE AT
EDAKKUNNAM.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.7619 OF 2015 (B)

Dated this the 19th day of March, 2015

J U D G M E N T

The petitioners, who had availed of loans from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act', to recover the loan amounts. In the writ petition, the petitioners impugn the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing for the petitioners as also the learned Standing counsel appearing for the respondent bank.

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 petitioners is to permit them to remit the balance amounts outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioners to the respondent bank, is stated to be Rs.8,53,018/- together with accrued interest and other charges. Accordingly, if the petitioners pay the aforesaid amount of Rs.8,53,018/- together with accrued interest and other charges in ten equal and successive installments commencing from 30.3.2015, then the further proceedings initiated against them by the respondent bank shall be kept in abeyance.

(ii) It is made clear that if the petitioners commit a default in respect of any of the installments, they will lose the benefit 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.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp