

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 8232 of 2015 (D)

PETITIONER(S):

**SHAMEER K.P., AGED 38 YEARS
S/O.K.V.KHADER, PROPRIETOR OF SHA ENTERPRIZES
SAFIYA MANZIL, NELLUNNI, URUVACHAL
MATTANNUR.**

BY ADV. SMT.VIJAYAKUMARI

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT
DEPT. OF REVENUE, STATE SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, KANNUR-670 001.**
- 3. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, TALUK OFFICE, IRITTY-670 703.**
- 4. THE VILLAGE OFFICER,
PAZHASSI VILLAGE, IRITTY TALUK, KANNUR-670 703.**
- 5. THE SYNDICATE BANK,
REP. BY ITS MANAGER, MATTANNUR-670 702.**

**R BY GOVERNMENT PLEADER, SRI. SHYSON P. MANGUZHA
R BY SRI.R.S. KALKURA, SC, SYNDICATE BANK**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 8232 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : COPY OF BANK STATEMENT ISSUED BY THE 5TH RESPONDENT
 23-01-2015.**

EXT P2 : COPY OF DEMAND NOTICE U/S 7 OF R.R.ACT DATED 11-01-2015.

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C). No. 8232 of 2015

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Dated this the 9th day of April, 2015

JUDGMENT

The petitioner, who had availed an overdraft facility from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, to recover the loan amounts. Ext.P2 is the demand notice issued to the petitioner under Section 7 of the Kerala Revenue Recovery Act. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner, the learned Standing Counsel appearing on behalf of the 5th respondent as also the learned Government Pleader for other 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 bank 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, in respect of the overdraft facility availed by the petitioner, is stated to be Rs.14,20,390/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.14,20,390/- together with accrued interest in ten equal and successive monthly installments commencing from 30.04.2015, then the recovery steps initiated against him by the respondent bank 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 bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE