

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 8471 of 2015 (H)

PETITIONER :

**SREEDHARAN PILLAI, AGED 74 YEARS,
S/O. KUTTAN PILLAI, SREE SADANAM,
KARIMPINPUZHA, PAVITHRESWARAM, KOTTARAKARA**

BY ADV. SRI.R.MOHANA BABU

RESPONDENTS :

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LTD.,
CORPORATE OFFICE, THRISSUR - 680020
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. THE SPECIAL DEPUTY TAHSILDAR (AUTHORISED OFFICER),
OFFICE OF THE SPECIAL DEPUTY TAHSILDAR (RR) KOLLAM -691001.**
- 3. REGIONAL MANAGER, THE KSFE LTD., PUTHOOR BRANCH,
KOTTARAKARA TALUK.**

**R1 & R3 BY SRI.BABU VARGHESE SENIOR ADVOCATE
R1 & R3 BY ADV. SRI.ALEXANDER.C.V., SC,
R2 BY SENIOR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 8471 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE NOTICE ISSUED BY R2 DT 23/1/2015 FIXING PUBLIC AUCTION
AND SALE OF PROPERTY OF PETITIONER.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.8471 of 2015

.....
Dated this the 18th day of March, 2015

J U D G M E N T

The petitioner who had availed of a Chitty from the respondent company, defaulted in repayment of the same. Consequently, the respondents initiated revenue recovery steps under Kerala Revenue Recovery Act and put up the petitioner's property for sale. In the writ petition, the petitioner impugns the steps initiated by the 2nd respondent for recovery of the loan amounts.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader 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 1st 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 1st respondent company in respect of the loan is stated to be Rs.2,06,587/- together with accrued interest and other charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.2,06,587/- together with accrued interest and other charges in ten equal and successive monthly instalments commencing from 30.03.2015, then 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 2nd respondent will be free to continue the recovery proceedings against him from the stage at which they presently stand.

(iii) The respondent company shall furnish the petitioner with a statement of balance dues, after the petitioner pays the first two instalments, so as to enable the petitioner to comply with the balance instalments within the time granted above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

