

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 8802 of 2015 (A)

PETITIONER:

**HARIS BABU. C.,
AGED 41 YEARS
S/O.KUNHI MOHAMMED, CHEMBAKA HOUSE, THANUR.P.O.,
MALAPPURAM, PIN-676 302.**

**BY ADVS.SRI.M.S.UNNIKRISHNAN
SMT.JAYASREE MANOJ
SRI.JITHIN PAUL VARGHESE
SRI.K.SUNIL
SMT.CHITHRA.S.BABU
SMT.T.P.SHELNA
SMT.M.P.PRIYANKA**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
MALAPPURAM PIN-676 505.**
- 2. DEPUTY THASILDAR (REVENUE RECOVERY),
TALUK OFFICE, TIROOR, PIN-676 101.**
- 3. STATE BANK OF TRAVANCORE,
TANUR BRANCH MALAPPURAM PIN-676 302
REPRESENTED BY ITS BRANCH MANAGER.**

**R3 BY ADV. SRI.T.SETHUMADHAVAN (SR.)
R3 BY ADV. SRI.K.JAYESH MOHANKUMAR
R BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD/

WP(C).No. 8802 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 TRUE COPY OF COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY
THE 2ND RESPONDENT TO THE PETITIONER.**

EXT.P2 TRUE COPY OF COPY OF THE RECEIPT DATED 12.12.2014

**EXT.P3 TRUE COPY OF COPY OF THE LETTER DATED 5.2.2015 ISSUED
BY THE 3RD RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 8802 of 2015

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner, who had availed a loan 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. The petitioner then approached the Adalath. Before the Adalath, an agreement was arrived at between the parties for payment of a reduced amount. It is not in dispute that the petitioner could not honour the terms of the agreement arrived at between the parties at the Adalath. Consequently, the petitioner has lost the benefit of the reduced amount, that was offered to him by the respondent bank, at the Adalat. Accordingly, the respondent bank has now sought to continue the recovery proceedings on the original defaulted amount, that is due from the petitioner. Ext.P1 is the revenue recovery notice issued to the petitioner.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of 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 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 loan, is stated to be Rs.2,97,620/- together with accrued interest and other charges. Accordingly, if the petitioner remits the aforesaid amount of Rs.2,97,620/- together with accrued interest and other charges in seven equal and successive monthly installments commencing from 10.04.2015, 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