

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. 8855 of 2015 (F)

PETITIONER :

**R.VIJAYAKUMAR,
S/O.RAMAKRISHNA PILLAI, AGED 55 YEARS,
VIJAYA NILAYAM, MUTTADA.P.O.,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.M.RAMASWAMY PILLAI
SMT.PREETHY R. NAIR**

RESPONDENT :

**INDIAN BANK,
NALANCHIRA BRANCH, M.C.ROAD,
THIRUVANANTHAPURAM-695 003,
REPRESENTED BY ITS BRANCH MANAGER.**

BY ADV. SRI.S.EASWARAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015,ALONG WITH WP(C).NO.8856 OF 2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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WP(C).NO.8855/2015

APPENDIX

PETITIONER'S EXHIBITS:

P1 COPY OF THE NOTICE ISSUED BY THE RESPONDENT BANK OF 10/03/2015.

P2 COPY OF THE LETTER SUBMITTED BY THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). Nos. 8855 & 8856 of 2015
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Dated this the 19th day of March, 2015

JUDGMENT

As both these writ petitions are filed by the same petitioner, who had availed of two different loans from the respondent bank, they are taken up together for consideration and disposed by this common judgment.

2. The petitioner, who had availed of gold loans from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings for recovery of the loan amounts. Notices have been issued to the petitioner by the respondent bank. In the writ petitions, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

3. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

4. 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 petitions with the following directions:-

- (i) The total overdue amount, in respect of both the loans, is stated to be Rs.3,24,042/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.3,24,042/- together with accrued interest in ten equal and successive monthly installments commencing from 30.03.2015, then further proceedings, including proceedings for sale of the property initiated against the petitioner 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