

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 8921 of 2015 (M)

PETITIONER(S):

**P.D.RAJAN, AGED 52 YEARS
PALLIVILA VEEDU, KARIMANNOOR, PARASSALA P.O.
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.R.ANILKUMAR

RESPONDENT(S):

- 1. KERALA STATE FINANCIAL ENTERPRISES LTD
BHADRALLE, PB NO.510, MUSEUM ROAD
THRISSUR-680020.**
- 2. BRANCH MANAGER
KERALA STATE FINANCIAL ENTERPRISES LTD.
NEYYATTINKARA, THIRUVANANTHAPURAM DIST., PIN 695121.**
- 3. BRANCH MANAGER
KERALA STATE FINANCIAL ENTERPRISES LTD.
KESAVADASAPURAM, THIRUVANANTHAPURAM DIST., PIN 695121.**
- 4. SPECIAL DEPUTY TAHSILDAR (RR)
KSFE LTD., AKSHAYA SHOPPING COMPLEX
NEYYATTINKARA-695121.**

**R1-R4 BY ADV. SRI.V.N.SASIDHARAN., SC, KSFE.
R BY SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL
ENTERPRISES**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 8921 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: THE TRUE PHOTOCOPY OF THE RELEVANT PAGES OF PASS BOOKS OF CHITTY NO.61/2010 OF KSFE LTD., NEYYATTINKARA.

EXHIBIT-P1(A): THE TRUE PHOTOCOPY OF THE CHITTY NO.127/2011 OF KESAVADASAPURAM BRANCH OF KSFE LTD.

EXHIBIT-P2: THE TRUE PHOTOCOPY OF THE CERTIFICATE ISSUED BY DR.M.J.AZ-HURDEEN.

EXHIBIT-P3: THE TRUE PHOTOCOPY OF THE DEMAND NOTICE NO.SDT/NTA/9968/2014-2015 DATED 1ST NOV.2014.

EXHIBIT-P4: THE TRUE PHOTOCOPY OF THE DEMAND NOTICE NO.SDT/NTA/9969 2014-2015 DATED 1ST NOV.2014.

EXHIBIT-P5: THE TRUE PHOTOCOPY OF THE SALE OF IMMOVABLE PROPERTY NO.9669, 9968, 9969/14-15 DT.13.02.2015 ISSUED BY THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.8921 OF 2015 (M)

Dated this the 24th day of March, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent company, defaulted in repayment of the same. Consequently, the respondent company initiated proceedings under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act', to recover the loan amounts. Ext.P5 is the sale notice issued to the petitioner under the RR Act. In the writ petition, the petitioner impugns the steps initiated by the respondent company for recovery of the loan amounts.

2. I have heard the learned counsel appearing for the petitioner as also the learned Standing counsel appearing 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 respondent company 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 amount outstanding from the petitioner to the respondent company, is stated to be Rs.49,45,820/- together with accrued interest and other charges. Accordingly, if the petitioner pays an amount of Rs.10,00,000/- on or before 31.3.2015, and pays the balance amount of Rs.39,45,820/- together with accrued interest and other charges in ten equal and successive installments commencing from 20.4.2015, then the further proceedings initiated against him by the respondent company 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 company will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp