

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. 8968 of 2015 (U)

PETITIONER :

**BABURAJ, SON OF AZHAKAN, AGED 42 YEARS,
KURUNKAD VEEDU, MARUTHARODE P.O.,
PALAKKAD.**

**BY ADVS.SRI.JACOB SEBASTIAN
SMT.SHAMSEERA. C.ASHRAF
SRI.T.U.SUJITH KUMAR
SMT.ANU JACOB**

RESPONDENTS:

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
'BHADRATHA' POST BOX NUMBER 520, MUSEUM ROAD,
THRISSUR - 680 020.**
- 2. SPECIAL DEPUTY THAHSILDAR,
KERALA STATE FINANCIAL ENTERPRISES LTD,
PALAKKAD - II BRANCH, POST BOX NUMBER 46,
OPP.AROMA THEATRE, PALAKKAD - 678 001.**

BY SRI.ALEXANDER.C.V., SC, KSFE

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

sts

APPENDIX

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EXT.P1: A TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED FEBRUARY 23, 2015.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.8968 of 2015 (U)

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Dated this the 25th day of March, 2015

JUDGMENT

The petitioner, who is a guarantor to a chitty transaction from the 1st respondent Company, defaulted in re-payment of the same. The 1st respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P1 is the notice issued by the 2nd respondent under the Revenue Recovery Act to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent Company for recovery of the loan amounts.

2. Heard Sri.Jacob Sebastian, learned counsel appearing for the petitioner and Sri.C.V.Alexander, learned Standing counsel appearing for the 1st respondent.

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 total overdue amount 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, as discernible from Ext.P1 notice, is Rs.6,75,000/- together with accrued interest and other charges. Accordingly, if the petitioner pays the said amount of Rs.6,75,000/- together with accrued interest and other charges, in ten equal and successive monthly instalments commencing from 10.04.2015, then, the recovery steps initiated against the petitioner for recovery of the amounts outstanding to 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/25/03/

