

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. 9293 of 2015 (J)

PETITIONER(S) :

**P.YOOSUF, AGED 55 YEARS,
S/O.HAMZAKUTTY HAJI, PALLATH HOUSE,
KULUKKALLOOR P.O, PALAKKAD.**

**BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN**

RESPONDENT(S) :

- 1. THE MANAGING DIRECTOR,
KERALA FINANCIAL CORPORATION, VELLAYAMBALAM,
THIRUVANANTHAPURAM- 695 001.**
- 2. BRANCH MANAGER,
KERALA FINANCIAL CORPORATION,
MALAPPURAM BRANCH, MALAPPURAM- 676 506.**
- 3. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, KERALA FINANCIAL CORPORATION,
KOZHIKODE- 673 001.**

**R1 & R2 BY ADV. SRI.T.V.GEORGE, S.C
R3 BY GOVERNMENT PLEADER SRI.SHYSON.P.MANGUZHA**

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE STATEMENT OF ACCOUNTS.**
- EXHIBIT P2: TRUE COPY OF THE REPRESENTATION DATED 20.02.2013.**
- EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 15.02.2014.**
- EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 11.06.2014 IN
W.P.(C).NO.14780/2014.**
- EXHIBIT P5: TRUE COPY OF THE NOTICES UNDER S.7 AND 34 DATED 01.07.2014.**
- EXHIBIT P6: TRUE COPY OF THE REQUEST DATED 12.12.2014.**
- EXHIBIT P7: TRUE COPY OF THE JUDGMENT DATED 09.01.2015 IN
W.P.(C).NO.470/2015.**
- EXHIBIT P8: TRUE COPY OF THE ORDER DATED 27.02.2015 IN I.A.NO.2404/15 IN
W.P.(C).NO.470/2015.**
- EXHIBIT P9: TRUE COPY OF THE NOTICE DATED 02.02.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 9293 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner in the writ petition, who is aggrieved by the steps taken by the respondent Corporation for recovery of loan amounts that were defaulted by the petitioner, had already approached this Court through writ petition No.470 of 2015. The said writ petition was disposed by Ext.P7 judgment, wherein, the petitioner was directed to pay an amount of Rs.6,00,000/- as pre-condition for the respondent corporation considering his request for one time settlement of the loan amount disbursed to him. In the judgment, this Court had directed the petitioner to pay the amount of Rs.6,00,000/- on or before 31.01.2015, and the respondent corporation was to consider the request for one time settlement immediately thereafter. While so, the petitioner, through a separate interlocutory application in the aforementioned writ petition, sought for an extension of time to effect the payment of Rs.6,00,000/-. By Ext.P8 order, the time granted in the judgment dated 09.01.2015 was extended upto 31.03.2015. It would appear that, during the interregnum between the passing of Ext.P7 judgment and Ext.P8 order, the respondent corporation had issued Ext.P9 notice of attachment of the immovable property. This was apparently on the premise that the petitioner had not complied

with the directions of this Court in Ext.P7 judgment. Inasmuch as, the time for effecting the payment was extended by this Court by Ext.P8 order, I dispose the present writ petition with the following directions:

- (i) The petitioner shall effect the payment of Rs.6,00,000/- , as directed in Ext.P7 judgment, on or before 31.03.2015.
- (ii) On receipt of the said amount of Rs.6,00,000/-, the respondent corporation shall consider the request of the petitioner for a one time settlement, and if any benefit is granted to the petitioner, the petitioner shall be intimated of the same, so that further payments in discharge of the liability can be made in respect of the reduced amounts.
- (iii) The stay against the recovery steps, that was ordered in Ext.P7 judgment, shall continue to be in force, subject to the petitioner complying the requirement of the payment of Rs.6,00,000/-, till such time as the respondent corporation communicates its decision, on the request for one time settlement, preferred by the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE