

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 9569 of 2015 (U)

PETITIONER(S):

1. SAJITH M.G.,
S/O.M.I. GANGADHARAN, MELEVEETIL HOUSE,
PALAKKATTUMANA LANE, RAMAVARMAPURAM, THRISSUR.
2. VINEESH V.V.,
S/O. VARGHESE V.K., VALLACHIRAKKARAN HOUSE,
MOUNT ZION ROAD, CHEEVACHI, OLLUR, THRISSUR.
3. SEEFAN T.R., AGED 38 YEARS,
S/O. RAGHAVAN T.K, TRIPRAYAR HOUSE, AISWARYA NAGAR,
WEST FORT, POOTHOLE, THRISSUR.
4. HARIS MALIKULAM,
S/O.UMMER MALIKKULAM, CMC XI/209, MALIKKULAM HOUSE,
MUTHUVATTOOR ROAD, NORTH PALAYOOR, CHAVAKKAD.

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S):

1. THE DEPUTY TAHSILDAR (RR),
OFFICE OF THE TAHSILDAR (RR), THRISSUR - 680 020.
2. THE VILLAGE OFFICER,
VILVATTOM VILLAGE OFFICE, THRISSUR - 680 631.
3. PUNJAB NATIONAL BANK,
KURUPPAM ROAD, THRISSUR-1,
REPRESENTED BY ITS MANAGER.

R1 & R2 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA
R3 BY SRI.P.V.JAYACHANDRAN, SC, PUNJAB NATIONAL BANK
SRI.SANTHEEP ANKARATH, SC, PUNJAB NATIONAL BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 9569 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE NORMS OF KERAELA STATE ENTREPRENEURS
DEVELOPMENT MISSION SCHEME INTRODUCED BY THE FINANCE
AND INDUSTRIAL DEPARTMENT.**

**EXHIBIT-P2- TRUE COPY OF THE NOTICE DATED 03/03/2015 UNDER SECTION 7 OF
THE REVENUE RECOVERY ACT ISSUED BY THE IST RESPONDENT.**

**EXHIBIT-P3- TRUE COPY OF THE NOTICE DATED 03/03/2015 UNDER SECTION 34 OF
THE REVENUE RECOVERY ACT ISSUED BY THE IST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.9569 OF 2015

Dated this the 1st day of April, 2015

J U D G M E N T

The petitioners, who had availed of a term 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. In the writ petition, the petitioners impugn the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioners 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 petitioners is to permit them to remit the balance amounts outstanding to the respondent bank in easy instalments. Taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioners is stated to be Rs.21,47,573/- together with accrued interest and other charges. Accordingly, if the petitioners pay the aforesaid amount of Rs.21,47,573/-, together with accrued interest and other charges, in 10 equal and successive monthly instalments commencing from 20.04.2015, then further proceedings for recovery shall be kept in abeyance.

(ii) It is made clear that if the petitioners commit a default in respect of any of the instalments, they will lose the benefit of this judgment and the 1st respondent will be free to continue the recovery proceedings against them from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

