

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. 9571 of 2015 (V)

PETITIONER :

**AJESH P.P.,
PUTHOTU HOUSE
VELLAD, KARUVANCHA P.O.,
KANNUR DISTRICT, PIN – 670 571.**

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENT :

**KERALA STATE BACKWARD CLASSES DEVELOPMENT
CORPORATION LIMITED
REPRESENTED BY ITS DISTRICT MANAGER
DISTRICT OFFICE, T.K. 378-J
PADANNAPALAM ROAD, KANNUR
PIN – 670 001.**

BY ADV. SRI.JAYA PRADEEP V., SC

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

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE RELEVANT EXTRACT OF THE PASS BOOK.

EXT.P2 COPY OF THE MEDICAL CERTIFICATE DATED 5.3.2015.

**EXT.P3 COPY OF THE NOTICE ISSUED BY THE RESPONDENT DATED
9.12.2014.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.9571 of 2015

.....
Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent Corporation, defaulted in repayment of the same. Consequently, the respondent Corporation initiated steps under the Revenue Recovery Act, to recover the loan amounts. In the writ petition, the petitioner impugns the steps initiated by the respondent Corporation for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing counsel for the respondent Corporation.

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 Corporation in easy instalments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total overdue amount in respect of

the loan availed by the petitioner is stated to be approximately Rs.63,000/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.63,000/-, together with accrued interest, in three equal and successive monthly instalments commencing from 10.04.2015, and continues to keep up the regular instalments as per the original loan schedule, the recovery steps initiated against the petitioner by the respondent Corporation shall be kept in abeyance.

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

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

