

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11238 of 2015 (D)

PETITIONER(S):

**M.VIJAYAN AGED 58 YEARS, S/O. GOPALAN NAIR
THOTTATHIL POYIL HOUSE, PO ERAMANGALAM
BALUSSERY, KOZHIKODE DISTRICT, PIN 673 612**

**BY ADVS.SRI.K.SANEESH KUMAR
SMT.V.B.SANTHINI**

RESPONDENT(S):

- 1. THE CHAIRMAN, KERALA STATE FINANCIAL CORPORATION
MUSEUM ROAD, THRISSUR DISTRICT PIN-680 002**
- 2. THE MANAGER, KERALA STATE FINANCIAL CORPORATION
BALUSSERRY BRANCH, KOZHIKODE DISTRICT
PIN 673 015**
- 3. THE DISTRICT COLLECTOR, KOZHIKODE DISTRICT
PIN - 673 001**

**R1 & 2 BY ADV. SRI.BABU VARGHESE (SR.)
R1 & 2 BY ADV. SRI.ALEXANDER.C.V., SC,
KERALA STATE FINANCIAL ENTERPRISES
R BY GOVERNMENT PLEADER, SRI. SHYSON P. MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1 TRUE COPY OF THE DEMAND NOTICE DATED 22.11.2012 ISSUED BY THE 3RD RESPONDENT.'

EXHIBIT P2 TRUE COPY OF THE RECEIPT DATED 23.04.2014 EVIDENCING THE PAYMENT.

EXHIBIT P2(a) TRUE COPY OF THE RECEIPT DATED 23.04.2014 EVIDENCING THE PAYMENTS.

EXHIBIT P3 TRUE COPY OF THE ATTACHMENT NOTICE DATED 07.10.2014 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P4 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 30.03.2015.

EXHIBIT P4(a) TRUE COPY OF THE POSTAL RECEIPT DATED 30.3.2015.

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 11238 of 2015

Dated this the 9th day of April, 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent company, defaulted in repayment of the same. Consequently, the respondent company initiated proceedings under the Kerala Revenue Recovery Act, to recover the loan amounts. Ext.P1 is the demand notice issued to the petitioner by the respondent company. 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 on behalf of the petitioner 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 petitioner is to permit him to remit the balance amounts outstanding to the 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 outstanding amount, in respect of the loan availed by the petitioner, is stated to be

Rs.2,93,080/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.2,93,080/- together with accrued interest in eight equal and successive monthly installments commencing from 30.04.2015, then the recovery steps 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.

sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE