

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12285 of 2015 (I)

PETITIONER(S):

**MINESH C.S., PATTATHIL HOUSE
KADEBHAGAM, KADATHANATH PARAMBU
PALLURUTHY PO, PIN - 682 006**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENT(S):

- 1. THE MANAGER, STATE BANK OF TRAVANCORE
PAZHANGAD BRANCH, THURUTHUMMEL BUILDINGS
KUMBALANGI SOUTH PO- 682 001**
- 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)
OFFICE OF THE SPECIAL TAHSILDAR
KOCHI -PIN 682 001**

**R BY GOVERNMENT PLEADER, SRI. SHYSON P. MANGUZHA
R BY SRI.SANTHOSH MATHEW
R BY SRI.SATHISH NINAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 12285 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1 TRUE COPY OF THE NOTICE DATED 13.01.2015.

EXHIBIT P1(a) TRUE COPY OF THE NOTICE DATED 13.01.2015.

EXHIBIT P2 TRUE COPY OF THE AFORESAID REPRESENTATION DATED 07.04.2015

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 12285 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioner, who had availed a 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. Ext.P1 is the demand notice issued to the petitioner by the respondent bank. In the writ petition, the petitioner impugns 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 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 bank 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 overdue amount, in respect of the loan, is stated to be Rs.2,90,000/- together with accrued

interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.2,90,000/- together with accrued interest in ten equal and successive monthly installments commencing from 30.04.2015, and continues to keep up the regular installment payments as per the original loan schedule, then the recovery steps initiated against him by the respondent bank 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 bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

(iii) On payment of three installments as directed in the judgment, it will be open to the petitioner to approach the respondent bank for claiming the benefit of any OTS Scheme that is available. If the respondent bank considers the request of the petitioner favourably, then the petitioner would be required to discharge only the reduced liability as fixed by the respondent bank, pursuant to this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE