

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

WP(C).No. 13294 of 2015 (J)

PETITIONER(S):

1. **M/S. CHIRIYANKANDATH AGENCIES,
2/552, VEZHAPARAMBIL LANE, LALLOOR ELTHURUTH P.O.,
THRISSUR DISTRICT,
REPRESENTED BY ITS MANAGING PARTNER, C.D.JOHNY,
AGED 83 YEARS, S/O.DEVASSY, CHIRIYANKANDATH HOUSE,
LALLOOR, ELTHURUTH P.O., THRISSUR DISTRICT,
KERALA, PIN -680 611**
2. **CD.JOHNY, AGED 83 YEARS,
S/O.DEVASSY, CHIRIYANKANDATH HOUSE, LALLOOR,
ELTHURUTH P.O., THRISSUR DISTRICT, KERALA,
PIN -680 611**
3. **C.J.BENNY, AGED 47 YEARS,
S/O.C.D.JOHNY, CHIRIYANKANDATH HOUSE, LALLOOR,
ELTHURUTH P.O., THRISSUR DISTRICT, KERALA,
PIN- 680 611**
4. **MRS. SHABEENA BEENY, AGED 39 YEARS,
W/O.C.J.BENNY, CHIRIYANKANDATH HOUSE, LALLOOR,
ELTHURUTH P.O., THRISSUR DISTRICT, KERALA,
PIN -680 611**
5. **MR. SHAJU JACOB, AGED 44 YEARS,
S/O.V.A.JACOB, VADAKKETHALA HOUSE, ELTHURUTH P.O.,
THRISSUR DISTRICT, KERALA, PIN -680 611**
6. **V.A.JACOB, AGED 72 YEARS,
S/O.ANTHAPPAN, VADAKKETHALA HOUSE, ELTHURUTH P.O.,
THRISSUR DISTRICT, KERALA, PIN- 680 611**

BY ADV. SRI.K.S.SAJEEV KUMAR

RESPONDENT :

**THE H.D.F.C. BANK LTD.,
FIRST FLOOR, CHOICE TOWERS, MANORAMA JUNCTION,
KOCHI-682 016,(ERSTWHILE LORD KRISHNA BANK LTD),
REPRESENTED BY ITS MANAGING DIRECTOR.**

BY STANDING COUNSEL SRI.T.RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 13294 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE SANCTION LETTER NO.EEG/THRI/65698 DATED
10.08.2012 ISSUED BY THE RESPONDENT BANK.**

**EXHIBIT P2: A TRUE COPY OF THE NOTICE DATED 24.04.2015 ISSUED BY
ADVOCATE M. VELAPPAN, APPOINTED BY THE CHIEF JUDICIAL
MAGISTRATE COURT, THRISSUR.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO JUDGE

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K. Vinod Chandran, J.

W.P(C) No.13294 of 2015-J

Dated this the 28th day of April, 2015

JUDGMENT

The petitioners are aggrieved with the recovery initiated against the petitioners. Admittedly even as per the revenue recovery notice issued under Exhibit P2, the amounts due to the Bank is around Rs.92,00,000/- [Rupees ninety two lakhs]. The learned counsel appearing for the respondent-Bank, on instruction, submits that, the outstanding liability, including interest, would be more than Rs.1,20,00,000/- [Rupees one crore and twenty lakhs].

2. In such circumstances, the respondent-Bank shall issue a statement of the total dues with interest calculated upto 15.05.2015 by registered post and the petitioner shall settle the entire amount in ten equal monthly instalments. Until such time, the proceedings in pursuance of Exhibit P2 shall be kept in abeyance. The 1st instalment shall be paid on or before 28.05.2015 and the subsequent instalments on the 28th of each succeeding month. A single default would entitle the Bank to proceed with the recovery proceedings. On the satisfaction of

the dues as per the statement, the Bank shall give a statement of the future interest from 15.05.2015 and the same shall be settled as the 11th instalment.

The writ petition stands disposed of as above. No costs.

Sd/-
K. Vinod Chandran,
Judge

vku/-

[true copy]