

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

W.P(C).No.18866 of 2015 (G)

PETITIONER:

RADHAMMA, AGED 82 YEARS,
W/O.LATE CHANDRASEKHARAN, NAITHILATH HOUSE,
THATHAMANGALAM, PALAKKAD DISTRICT

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

1. THE STATE BANK OF TRAVANCORE,
REP. BY ITS BRANCH MANAGER, STATE BANK OF TRAVANCORE,
CHITTUR BRANCH, IST FLOOR, SANA COMPLEX,
HOSPITAL JUNCTION, CHITTUR, PALAKKAD - 678101
2. THE DEPUTY TAHSILDAR(REVENUE RECOVERY), CHITTUR,
PALAKKAD DISTRICT, PIN 678101
3. NATIONAL BANK FOR AGRICULTURE & RURAL DEVELOPMENT,
REP BY ITS CHIEF GENERAL MANAGER,
KERALA REGIONAL OFFICE, POST BOX NO .5613, PUNNEN ROAD,
STATUE, THIRUVANANTHAPURAM-695039

R1 BY ADV. SRI.T.SETHUMADHAVAN (SR.)

R1 BY ADV. SRI.K.JAYESH MOHANKUMAR

R2 BY GOVT. PLEADER, SRI. RANJITH

R3 BY ADV. SRI.K.P.SUJESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.10.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

[P.T.O]

W.P(C).No. 18866 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS:

P1:-A TRUE COPY OF THE GUIDELINES FOR IMPLEMENTING THE DEBT RELIEF Schemes FOR AGRICULTURISTS.

P2:-A TRUE COPY OF THE DEMAND NOTICE DATED DECEMBER 12, 2014 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE

PtK/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.18866 OF 2015

Dated this the 20th day of October, 2015

J U D G M E N T

The petitioner, who had availed of 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.P2 is the demand notice issued under the Kerala Revenue Recovery Act. 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, the learned Standing counsel appearing on behalf of the respondent bank and also the learned Government Pleader.

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 respondent bank 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 amount outstanding from the

petitioner to the respondent bank is stated to be Rs.69,100/- together with accrued interest from 01.09.2015. Accordingly, if the petitioner pays the aforesaid amount of Rs.69,100/- together with accrued interest from 01.09.2015 in six equal and successive monthly instalments commencing from 15.11.2015, the recovery steps initiated against the petitioner 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 instalments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against them from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

