

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

W.P(C).No. 21017 of 2015 (B)

PETITIONER:

HABEEB. M, AGED 62 YEARS,
S/O.MOHAMMED ALI, PULIMOOTTIL HOUSE,
KOMALLOOR P.O-690 534.

BY ADV. SRI.V.ANIL

RESPONDENTS:

1. THE AUTHORISED OFFICER,
DEPUTY TAHSILDAR, MAVELIKKARA TALUK OFFICE,
MAVELIKKARA.
2. CHIEF MANAGER,
STATE BANK OF TRAVANCORE, CHARUMOODU BRANCH,
ALAPPUZHA DISTRICT.

BY GOVT. PLEADER, SMT. M.T.SHEEBA
SRI.R.S.KALKURA, SC, SBT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22.07.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

=: 2 :=

WP (C) .No.21017/15 (B)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE SETTLEMENT DATED 12.7.13

EXHIBIT P2. TRUE COPY OF THE NOTICE DATED 04.03.2015 BY THE PETITIONER

EXHIBIT P3. TRUE COPY OF THE ATTACHMENT ORDERS 29.01.2015 BY THE 1ST
RESPONDNT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: Nil

//TRUE COPY//

PA TO JUDGE

PtK/

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.21017 of 2015

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner has a liability with the respondent Bank. The respondent Bank filed a suit and obtained a decree. It appears that the Bank also filed an execution petition. The Bank also initiated revenue recovery proceedings against the petitioner. Challenging the revenue recovery proceedings, the petitioner has approached this Court.

2. The petitioner's only prayer before this Court is that, he may be given installment facility to clear the entire amount due to the Bank. The petitioner has raised certain disputes regarding the quantification of the liability.

3. In view of the fact that there is already a decree, it is open for the petitioner to raise any contentions regarding quantification based on the decree before the Execution Court. However, considering the request of the petitioner to discharge the liability by way of installments, this writ petition is disposed of with the following directions :

1. The petitioner shall remit an amount of ₹1,00,000/-
(Rupees One lakh only) within a period of one month
from today.
2. If the petitioner complies with the above condition, the

petitioner shall be given eight equal monthly installments from the succeeding month onwards to discharge the entire balance amount.

3. If the petitioner fails to honour any one of the conditions stipulated above, the Bank is at free to proceed against the petitioner.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV