

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 21687 of 2015 (I)

PETITIONER(S):

**RUBY VELLAKALLUNKAL JOSEPH,
PRAYER HOME CONVENT ROAD, VYTILA.P.O.,
KOCHI - 682019.**

BY ADV. SMT.V.K.REEBA

RESPONDENT(S):

**1.THE DEPUTY TAHSILDAR (RR)
KANAYANNUR TALUK, ERNAKULAM,
KOCHI - 682 011.**

**2.THE VILLAGE OFFICER,
POONITHURA VILLAGE, POONITHURA, VYTILA -19.**

**3.THE MANAGER,
STATE BANK OF INDIA,
LOAN SECTION, PALARIVATTOM - 18.**

**R3 BY ADV.SRI.R.S.KALKURA
R BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN
R BY SRI.R.S.KALKURA, SC, SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C).NO.21687/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE DEMAND NOTICE DATED 6.5.2015.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.21687 OF 2015 (I)

Dated this the 17th day of July, 2015

J U D G M E N T

The petitioner, who had availed of a vehicle loan from the 3rd respondent bank, defaulted in repayment of the same. Consequently, the 3rd respondent bank initiated proceedings against the petitioner through a suit [O.S.No.195/2014] before the Munsiff's Court, Ernakulam, which was subsequently decreed on 7.8.2014 for an amount of Rs.3,09,090/- together with interest at 6% per annum from the date of institution of the suit till realisation. It is submitted that no amount was paid by the petitioner pursuant to the decree, and the total amount now due from the petitioner is Rs.3,43,509/- together with interest at 11.25% per annum accruing from 31.5.2012 onwards. The petitioner now faced with revenue recovery steps that have been initiated at the instance of the 3rd respondent bank.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing counsel appearing on behalf of the 3rd respondent bank.

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 her to remit the balance amounts outstanding to the 3rd respondent 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 amount due from the petitioner to the 3rd respondent bank, as of today, is Rs.3,43,509/- together with interest at 11.25% per annum accruing from 31.5.2012 onwards and RR charges. Accordingly, if the petitioner pays the said amount in seven equal and successive monthly installments commencing from 31.7.2015, then the further proceedings for recovery of the amounts from the petitioner shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, she will lose the benefit of this judgment and the 3rd respondent bank will be free to continue the recovery proceedings against her from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp