IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 21769 of 2015 (U)

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PETITIONER:

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SUNIL DUTH AGED 57 YEARS
S/O.SOMARAJAN, SAI ALAKA, KNR-31A
KOOTTIKKADA P.O., KOLLAM-691 020.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. THE TAHASILDAR (RR), KOLLAM
   TALUK OFFICE, KOLLAM-691 001.

2. THE VILLAGE OFFICER
   ERAVIPURAM VILLAGE, ERAVIPURAM P.O., KOLLAM-691 011.

3. THE AUTHORISED OFFICER
   CHIEF MANAGER, STATE BANK OF INDIA, RASMECCC
   2ND FLOOR, RAVI'S ARCADE, NEAR IRON BRIDGE
   KACHERI P.O., KOLLAM-691 013.

4. THE BRANCH MANAGER
   STATE BANK OF INDIA, KANNANALLOOR BRANCH
   KANNANALLOOR P.O., KOLLAM-691 576.

BY SRI.R.S.KALKURA, SC, SBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**WP(C).No. 21769 of 2015 (U)**
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**APPENDIX**

**PETITIONER'S EXHIBITS**
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**EXT.P1.** TRUE COPY OF THE NOTICE NO.12323/A3/2015/G.EDN DATED 17/4/2015 ISSUED BY THE GOVERNMENT

**EXT.P2.** TRUE COPY OF THE NOTICE NO.RASMECCC/KLM/31752991721 DATED 31/12/2013 U/S. 13(2) OF THE SARFAESI ACT ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER

**EXT.P3.** TRUE COPY OF THE REVENUE RECOVERY DEMAND NOTICE NO.2014/4989/2/300 DATED 30/12/2014 UNDER SECTION 7 AND 34 OF THE RR ACT ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

**RESPONDENTS' EXHIBITS : NIL**
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//TRUE COPY//

P. A. TO JUDGE

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**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No. 21769 of 2015**

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Dated this the 5th day of August, 2015

**JUDGMENT**

The petitioner availed a Vehicle loan from the respondent-Bank. On account of default in repaying the loan amount, the Bank has repossessed the vehicle and sold it in auction. The Bank initiated revenue recovery proceedings against the petitioner to recover the amount which is more than Rs.3,18,000/-(Rupees three lakh eighteen thousand only).

2. The only prayer of the petitioner is that, as he has been placed under suspension, he is getting subsistence allowance only. So he may be permitted to remit the amount in 20 instalments, to discharge the entire liability.

3. The learned counsel for the Bank opposed the prayer of the petitioner and submits that the petitioner is liable to pay the entire amount in lump sum.

4. Considering the facts and circumstances, the

following directions are issued:

a) The petitioner shall remit Rs.10,000/- (Rupees ten thousand only) per month commencing from 20.08.2015 onwards for a period of nine months and thereafter in the tenth month, he shall discharge the entire amount in lump sum.

b) If the petitioner commits default in payment of any of the instalments, the Bank is at liberty to proceed against the petitioner,r in accordance with law.

The above writ petition is disposed of accordingly.

Sd/-
**A.MUHAMED MUSTAQUE**
**JUDGE**

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