

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 21777 of 2015 (V)

PETITIONER :

**SANKARANARAYANAN P.,
S/O. GOPALAN NAIR, AGED 62 YEARS,
PAZHAYATHODI HOUSE, CHANTHAPURA,
SREEKRISHNAPURAM, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S):

- 1. STATE BANK OF TRAVANCORE,
ASSET TRACKING CENTER, L.I.C. BUILDING, PATTOM,
THIRUVANANTHAPURAM DISTRICT - 695 004.**
- 2. THE MANAGER,
STATE BANK OF TRAVANCORE,
SREEKRISHNAPURAM BRANCH,
PALAKKAD DISTRICT - 679 513.**
- 3. THE TAHSILDAR,
REVENUE RECOVERY, OTTAPALAM,
PALAKKAD DISTRICT - 679 101.**

**R1 & R2 BY SRI.T.SETHUMADHAVAN,SENIOR ADVOCATE
ADV. SRI. JAYESH MOHAN KUMAR, SC,STATE BANK OF TRAVANCORE
R3 BY GOVERNMENT PLEADER SRI.LIJU V. STEPHEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 21777 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE COMMUNICATION NO. 70 SENT BY THE 1ST RESPONDENT DATED 23/12/2014.**
- EXHIBIT-P2- TRUE COPY OF THE NOTICE DATED 11/11/2014 ISSUED BY THE RESPONDENT.**
- EXHIBIT-P3- TRUE COPY OF THE NOTICE DATED 06/03/2015 ISSUED BY THE RESPONDENT.**
- EXHIBIT-P4- TRUE COPY OF THE DEMAND NOTICE U/S 7 ISSUED ON 29/06/2015 BY THE 3RD RESPONDENT.**
- EXHIBIT-P5- TRUE COPY OF THE DEMAND NOTICE U/S 34 ISSUED ON 29/06/2015 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT-P6- TRUE COPY OF THE MARRIAGE INVITATION SCHEDULED TO BE HELD ON 06/09/2015.**

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

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.21777 of 2015
.....
Dated this the 7th day of October, 2015

J U D G M E N T

The petitioner who had availed of an education loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Revenue Recovery Act to recover the loan amounts. Exts.P4 and P5 are the demand notices issued to the petitioner. 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 for the petitioner and the learned Standing Counsel appearing on behalf of the respondent bank.

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 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 outstanding amount from the

petitioner to the respondent bank, in respect of the loan as on 06.09.2015 is Rs.5,15,000/-. Accordingly, if the petitioner pays the aforesaid amount of Rs.5,15,000/- together with accrued interest in 12 equal and successive monthly instalments commencing from 01.11.2015, then further proceedings for recovery 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 respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

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