IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 22596 of 2015 (Y)

PETITIONER(S):

RAJAN, AGED 68 YEARS,
S/O.LATE AYYAPPAN VAIDYAR, KAINATTIL HOUSE,
KATTUKULAM SOUTH, KALLUVAZHI P.O., OTTAPALAM TALUK,
PALAKKAD DISTRICT.

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

RESPONDENT(S):
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1. THE BRANCH MANAGER, CANARA BANK,
KALLUVAZHI, PALAKKAD DISTRICT - 679 514.

2. THE DEPUTY TAHSILDAR,
(REVENUE RECOVERY), TALUK OFFICE, OTTAPALAM,
PALAKKAD - 678 582.

R1 BY SRI.PAULY MATHEW MURICKEN, SC
R2 BY SENIOR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 22596 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: **TRUE COPY OF LAWYER NOTICES DATED 20.7.2011 ISSUED TO THE PETITIONER.**

EXT.P-2: **TRUE COPY OF THE LAWYER NOTICES DATED 20.7.2011 ISSUED TO SREEJITH.**

EXT.P-3: **TRUE COPY OF THE LAWYER NOTICES DATED 20.7.2011 ISSUED SREEJA.**

EXT.P-4: **TRUE COPY OF THE GUIDELINES DATED 31.12.2013.**

EXT.P-5: **TRUE COPY OF THE COMMUNICATION SENT BY THE IST RESPONDENT TO THE SREEJITH AND SREEJA DATED 21.4.2014.**

EXT.P-6: **TRUE COPY OF THE APPLICATION 3.7.2014 WITH INCOME CERTIFICATE OF THE PETITIONER.**

EXT.P-7: **TRUE COPY OF THE APPLICATION 3.7.2014 WITH INCOME CERTIFICATE OF SREEJITH.**

EXT.P-8: **TRUE COPY OF THE APPLICATION 3.7.2014 WITH INCOME CERTIFICATE OF SREEJA.**

EXT.P-9: **TRUE COPY OF THE RR NOTICES IN FORM NO.1 AND NO.10 TO THE PETITIONER.**

EXT.P-10: **TRUE COPY OF THE RR NOTICES IN FORM NO.1 AND NO.10 TO SREEJA.**

EXT.P-11: **TRUE COPY OF THE RR NOTICES IN FORM NO.1 AND NO.10 TO SREEJITH.**

RESPONDENT(S)' EXHIBITS:
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NIL

//TRUE COPY//

P.S.TO JUDGE.

Ms**v/**

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.22596 of 2015

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Dated this the 31st day of July, 2015

JUDGMENT

The petitioner availed three educational loans from the first respondent Bank for the purpose of education of his children. The total liability of the petitioner is now around Rs.13,36,613/-. He has approached this Court alleging that the Bank has not given interest subsidy to the educational loans. The petitioner also seeks an instalment facility to discharge the entire liability.

2. Learned Standing Counsel for the respondent Bank submits that the petitioner was given credit of Rs.1,52,000/- in three loan accounts towards interest subsidy and the Bank is also willing to provide statement of accounts to the petitioner.

Considering the facts and circumstances, this Court is of the view that the petitioner should be given instalment facility. Accordingly, this writ petition is disposed of with the following directions:

i. The Bank shall give details of the statement of accounts within three weeks.

ii. The petitioner shall remit Rs.1 lakh within one month from today.

iii. The petitioner shall remit Rs.50,000/- every month from the succeeding month onwards for a period of six months and in the 7th month, the entire amount in lumpsum.

iv. If the petitioner commits default in repaying anyone of the instalments, the Bank is free to proceed against the petitioner.

v. If the petitioner complies with the above directions, coercive steps initiated against the petitioner shall be deferred in tune with the above directions.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE

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