

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 25744 of 2015 (P)

PETITIONER(S):

**K.V.RAGHAVAN AGED 60 YEARS
S/O.C.NAIR, DIVYASREE, NEAR THAI TEMPLE
ANGADIPURAM VILLAGE, PERINTHALMANNA TALUK.**

**BY ADVS.SMT.RAJI T.BHASKAR
SRI.P.JAYAPRAKASH (ALAPPUZHA)**

RESPONDENT(S):

- 1. THE BRANCH MANAGER, CANARA BANK
PERINTHALMANNA BRANCH - 679 322**
- 2. THE AUTHORISED OFFICER
CANARA BANK, PERINTHALMANNA BRANCH 679 322.**
- 3. THE DISTRICT COLLECTOR
MALAPPURAM DISTRICT 679 322.**
- 4. THE VILLAGE OFFICER
ANGADIPURAM, PERINTHALMANNA 679 322.**

**R1 & R2 BY ADV. SRI.P.GOPINATH MENON, SC, CANARA BANK
R3 & R4 BY ADV.JOBY JOSEPH, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 25744 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE JUDGMENT IN WPC 16147/2014

P2 : COPY OF THE DAMAND NOTICE DATED 16/4/2015

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.25744 of 2015

Dated this the 16th day of September, 2015

JUDGMENT

The petitioner and his son Dileep V.R stood as guarantors in respect of a loan availed by M/s. Aryas Parlour run by one Muhammed Ziyad, for Rupees Five lakhs from the 1st respondent Bank on 14.02.2012, vide loan account No.0757261007166. When payment of the monthly instalments was defaulted, the Bank initiated recovery proceedings. Now the petitioner has filed this writ petition seeking reasonable time to pay the total amount outstanding to the 1st respondent bank in respect of the aforesaid loan transaction. The learned counsel for the petitioner would also point out that, in respect of another loan availed by M/s. Omega Auto House for a sum of Rupees Sixty lakhs the petitioner and his son stood as guarantors, in respect of which this Court has already passed Ext.P1 judgment.

2. The learned Standing Counsel for the 1st respondent Bank on instructions would submit that in respect of loan account No.0757261007166, the total amount outstanding

comes to Rs.6,75,000/- and that the petitioner has not chosen to make even a single payment in spite of the fact that the Bank has already filed OS No.190/2014 before the Munsiff Court, Perinthalmanna.

3. I heard the arguments of the learned counsel for the petitioner, the learned Standing Counsel appearing for the 1st respondent Bank, and also the learned Government Pleader appearing for respondents 3 and 4.

4. The learned counsel for the petitioner would submit that it is only due to acute financial crisis, the petitioner could not clear the dues. The learned counsel would also submit that if a breathing time is granted for repayment, the petitioner will be in a position to clear the entire dues.

Considering the facts and circumstances of the case, this writ petition is disposed of with the following directions:

If the petitioner is remitting a sum of Rupees Fifty thousand before the 1st respondent within two weeks from today and the entire balance outstanding of Rs.6,25,000/- with accrued interest, if any, within a period of three months from today, the respondents shall keep in abeyance all recovery proceedings pursuant to Ext.P2 demand notice for a period of three months

from today. But it is made clear that if there is any default on the part of the petitioner in remitting either the first payment of Rupees Fifty thousand or the subsequent payment towards the entire balance outstanding, within the time stipulated above, it would be open to the respondents to proceed with the recovery proceedings even without any further notice to the petitioner.

It is also made clear that this judgment will not stand in the way of the respondents proceeding with the recovery steps in respect of the other loan transaction, which is the subject matter in Ext.P1 judgment.

JV

sd/-
ANIL K. NARENDRAN,
JUDGE