

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 27306 of 2015 (K)

PETITIONER(S):

RANDEEP.D,
S/O. P.SUKESINI, K.S.BHAVAN, PARAYIL
EDAVA P.O., THIRUVANANTHAPURAM, PIN - 695 311.

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENT(S):

1. THE DISTRICT COLLECTOR
COLLECTORATE, KUDAPPANAKKUNNU
THIRUVANANTHAPURAM - 695 043.

2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)
TALUK OFFICE, VARKALA, THIRUVANANTHAPURAM, PIN- 695 141.

3. THE VILLAGE OFFICER
EDAVA VILLAGE, VARKALA, THIRUVANANTHAPURAM, PIN - 695 311.

4. STATE BANK OF TRAVANCORE
VARKALA BRANCH, PB NO. 1, THAVAKKAL COMPLEX
VARKALA P.O., THIRUVANANTHAPURAM - 695 141
REPRESENTED BY ITS BRANCH MANAGER.

BY GOVERNMENT PLEADER SMT.K.T.LILLY
BY SRI.SANTHOSH MATHEW

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 27306 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE LAWYER'S NOTICE ISSUED BY THE FOURTH RESPONDENT
DT. 15.1.2015.

P2 - TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE SECOND RESPONDENT,
DT. 06.8.2015.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.27306 of 2015

.....
Dated this the 17th day of September, 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. Ext.P2 is the demand notice. 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 appearing on behalf of the petitioner as also the learned Standing counsel for 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 overdue amount in respect of

the loan availed by the petitioner is stated to be Rs.2,75,000/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.2,75,000/- together with accrued interest in ten equal and successive monthly instalments commencing from 15.10.2015, and continues to keep up the regular instalments as per the original loan schedule, the recovery steps initiated against the petitioner by the respondent bank 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.

(iii) The respondent bank is directed to furnish a statement showing the dues as computed above so as to enable the petitioner to effect timely repayment, within two weeks from today.

A.K.JAYASANKARAN NAMBIAR
JUDGE

