

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 28310 of 2015 (K)

PETITIONER(S)/PETITIONER:

C.KUMARAN AGED
S/O. APPU, APSONS, MAJOR SANTHOSH ROAD
NADAKKAVU P.O., KOZHIKODE.

BY ADVS.SRI.T.G.RAJENDRAN
SRI.T.R.TARIN
SMT.ANN SUSAN GEORGE
SRI.V.A.VINOD

RESPONDENT(S)/RESPONDENTS:

1. THE BRANCH MANAGER
STATE BANK OF TRAVANCORE, KOZHIKODE MAIN BRANCH
KOZHIKODE-673620.

2. THE SPECIAL DEPUTY TAHSILDAR
BANK LOAN ARREARS COLLECTION, REVENUE RECOVERY
KOZHIKODE-673620.

3. STATE OF KERALA
REP. BY CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001.

R1 BY ADV. SRI.T.SETHUMADHAVAN (SR.)
R1 BY SRI.JAYESH MOHAN KUMAR, SC, STATE BANK OF TRAVANCORE
BY GOVERNMENT PLEADER SMT.K.T.LILLY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28310 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE NOTICE DATED 9-1-14 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT P2- TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 3RD RESPONDENT
DATED 20-7-13.

RESPONDENT(S) ' EXHIBIT:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.28310 OF 2015

Dated this the 23rd day of September, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act to recover the loan amounts. Ext.P2 is the demand notice issued under Section 34 of the Revenue Recovery Act. 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 appearing on behalf of the respondent bank and also the learned Government Pleader.

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 respondent 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 amount outstanding from the petitioner to the respondent bank is stated to be Rs.10,65,000/- together with accrued interest and other charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.10,65,000/- together with accrued interest and other charges in 10 equal and successive monthly instalments commencing from 15.10.2015, 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 respondents will be free to continue the recovery proceedings against them from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

