

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).NO. 28331 OF 2015 (N)

PETITIONER(S):

1. BEENA L.V,
AVITTAM HOUSE, VAAZHICHAL, KATTAKKADA
THIRUVANANTHAPURAM.

2. JYOTHI RAM T.KADAM
SOORAJ BHAVAN, ETTIURUTHI, KATTAKKADA P.O
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SASITH

RESPONDENT(S):

1. SPECIAL DEPUTY TAHSILDAR (RR)
OFFICE OF SPECIAL DEPUTY TAHSILDAR (RR)
KERALA STATE FINANCIAL ENTERPRISE
AKSHAYA SHOPPING COMPLEX, NEYYATTINKARA 695 121.

2. BRANCH MANAGER
KERALA STATE FINANCIAL ENTERPRISE
MALAYINKIZHU BRANCH, KATTAKKADA 695 572

3. RAJENDRAN
GULJAM HOUSE, KULATHUMMEL VILLAGE, KATTAKKADA 695 572.

BY SRI.ALEXANDER.C.V., SC,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REGISTERED NOTICE, ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER.

EXT.P2: TRUE COPY OF THE REGISTERED NOTICE, ISSUED BY THE 1ST RESPONDENT TO THE 2ND PETITIONER.

EXT.P3: TRUE COPY OF DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER

EXT.P4: TRUE COPY OF NOTICE UNDER SECTION 34 OF REVENUE RECOVERY ACT ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.28331 of 2015

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Dated this the 18th day of September, 2015

JUDGMENT

The petitioners, who are the sureties to a chitty subscribed by the 3rd respondent with the 2nd respondent company, are aggrieved by the initiation of revenue recovery steps against them for recovery of the defaulted chitty amounts. Exts.P1 to P4 are the recovery notices issued to the petitioners in this connection under the Revenue Recovery Act.

2. I have heard the learned counsel for the petitioners, the learned Standing counsel for the respondent Company and also the learned Government Pleader for the 1st respondent.

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 petitioners is to permit them to remit the balance amounts outstanding to the company in easy instalments. Taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

i. The total amount outstanding from the petitioners to the respondent company is stated to be Rs.15,97,036/- together with accrued interest and other charges. Accordingly, if the petitioners pay the aforesaid amount of Rs.15,97,036/- together with accrued interest and other charges in 12 equal and successive monthly instalments commencing from 15.10.2015, then further proceedings for recovery shall be kept in abeyance.

ii. It is made clear that, if the petitioners commit a default in respect of any of the instalments, they 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 currently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

