IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 28563 of 2015 (U)

PETITIONER:

SANTHA T.K, W/O.CHANDRAN,
A.P.HOUSE, KOTTAPPALLY (P.O),
VATAKARA.

BY ADV. SRI.MOHANAN V.T.K.

RESPONDENT(S):
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1. **THE BRANCH MANAGER,**
   SYNDICATE BANK, VATAKARA - 673103.

2. **THE DEPUTY TAHSILDAR,**
   REVENUE RECOVERY, VATAKARA - 673103.

R1 BY SRI.R.S.KALKURA, SC
R2 BY GOVERNMENT PLEADER SMT.LILLY.K.T.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 28563 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1. **TRUE COPY OF THE NOTICE DATED 3.02.2015 ISSUED BY THE RESPONDENT BANK.**

EXT.P2. **TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED TO THE RESPONDENT DATED 27.7.2015.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

...

W.P.(C).No.28563 of 2015

...

Dated this the 29th day of September, 2015

J U D G M E N T

The petitioner's son, who had availed of an education loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated steps under the Revenue Recovery Act, to recover the loan amounts. Ext.P2 is the revenue recovery notice issued to the petitioner. 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, the learned Standing counsel for the respondent bank and 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 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's son is stated to be Rs.1,19,541/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.1,19,541/- together with accrued interest on or before 31.10.2015, and continues to keep up the regular instalments as per the original loan schedule, then further proceedings for recovery in respect of the said loan shall be kept in abeyance.

(ii) It is made clear that if the petitioner commit 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.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns