

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 29128 of 2015 (M)

PETITIONER :

**GEORGE K.V., S/O VARKEY,
KUNDAKASSERIL HOUSE, MUTTUCHIRA,
KOTTAYAM. PIN-686 603**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENT(S):

- 1. AUTHORISED OFFICER/DEPUTY TAHSILDAR,
TALUK OFFICE, VAIKOM-686 141.**
- 2. BRANCH MANAGER,
THE FEDERAL BANK LTD., MUTTUCHIRA BRANCH,
MUTTUCHIRA-686 603.**

**R1 BY GOVERNMENT PLEADER SMT. LILLY.K.T.
R2 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 29128 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE LETTER DATED 3.12.2013 ISSUED BY THE 2ND RESPONDENT.**
- EXHIBIT P2: TRUE COPY OF THE NOTICE FOR ATTACHMENT OF LAND ISUSED BY THE IST RESPONDENT DATED 25.8.2015.**
- EXHIBIT P3: TRUE COPY OF THE NOTICE UNDER SECTION 7 OF THE REVENUE RECOVERY ACT ISSUED BY THE IST RESPONDNET DATED 25.8.2015.**
- EXHIBIT P4: TRUE COPY OF THE NOTICE FOR ATTACHMENT OF LAND ISSUED BY THE IST RESPONDENT DATED 25.8.2015.**
- EXHIBIT P5: TRUE COPY OF THE NOTICE UNDER SECTION 7 OF THE REVENUE RECOVERY ACT ISSUED BY THE IST RESPONDENT DATED 25.8.2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.29128 OF 2015

Dated this the 14th day of October, 2015

J U D G M E N T

The petitioner, who had obtained a term loan and a cash credit facility 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. Exts.P2 to P5 are the notices issued to the petitioner under 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 overdue amount in respect of the term loan is stated to be Rs.54,963/-. Similarly, the total overdue amount in respect of the cash credit facility is Rs.33,613/-. Accordingly, if the petitioner pays the total amount of Rs.88,576/- together with accrued interest and other charges as also the revenue recovery charges, in six equal successive monthly instalments commencing from 01.11.2015, and continues to keep up the regular instalments as per the original schedule of the term loan and further, files an undertaking before the respondent bank in the form of an affidavit undertaking to comply with the formalities stipulated by the Khadi Board for continuing the said credit facility, further proceedings against the petitioner 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

