

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 29508 of 2015 (K)

PETITIONERS:

- 1. AMBILI M.S, AGED 36 YEARS,
W/O. RAMACHANDRAN, MELAYIL HOUSE, P.O.MULAYAM,
VALAKKAVU, THRISSUR-680751.**
- 2. RAMACHANDRAN M.R.
S/O. RAMAN, MELAYIL HOUSE, P.O.MULAYAM,
VALAKKAVU, THRISSUR.**

**BY ADVS.SRI.R.PARTHASARATHY
SMT.SEEMA**

RESPONDENTS:

- 1. STATE BANK OF TRAVANCORE,
PATTIKAD BRANCH, REPRESENTED BY ITS MANAGER,
PATTIKAD, THRISSUR-680001.**
- 2. THE MANAGER,
STATE BANK OF TRAVANCORE, PATTIKAD BRANCH,
THRISSUR-680001.**
- 3. THE RECOVERY OFFICER,
STATE BANK OF TRAVANCORE, THRISSUR-680020.**
- 4. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
THRISSUR-680020.**

**R1-R3 BY ADVS. SRI.T.SETHUMADHAVAN (SR.)
SRI. JAYESH MOHAN KUMAR, SC,
R4 BY GOVERNMENT PLEADER SRI.RENJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE RELEVANT PAGES OF LOAN PASS BOOK ISSUED BY THE BANK.**
- EXHIBIT P2- TRUE COPY OF THE RELEVANT PORTIONS OF STATEMENT OF AMOUNT ISSUED BY THE 1ST RESPONDENT BANK DATED 16-9-2015.**
- EXHIBIT P3- TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY 2ND RESPONDENT DATD 18-6-2015.**
- EXHIBIT P4- TRUE COPY OF THE REPRESENTATION SUBMITTED TO 2ND RESPONDENT DATED 3-8-2015.**
- EXHIBIT P5- TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE 3RD RESPONDENT DATED 3-8-2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 29508 of 2015

Dated this the 1st day of October, 2015

JUDGMENT

The petitioners, who had availed 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.P3 is the notice issued to the petitioner under the Kerala Revenue Recovery Act. In the writ petition, the petitioners impugn 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 petitioners as also the learned Standing Counsel appearing on behalf of the respondents.

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 bank in easy installments. Taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

- (i) The total outstanding amount, in respect of the

loan, is stated to be Rs.1,00,000/- together with accrued interest. Accordingly, if the petitioners remit the aforesaid amount of Rs.1,00,000/- together with accrued interest in ten equal and successive monthly installments commencing from 20.10.2015, then the recovery steps initiated against them by the respondent bank shall be kept in abeyance.

- (ii) It is made clear that if the petitioners commit a default in respect of any of the installments, they will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against them from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE