

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 29611 of 2015 (B)

PETITIONER :

**T. SAITH, AGED 62 YEARS,
S/O. MOIDU HAJI, THAZHATHETHIL HOUSE,
SREE KRISHNAPURAM, KOTTAPPURAM, PALAKKAD.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS :

- 1. THE STATE BANK OF TRAVANCORE
REPRESENTED BY ITS BRANCH MANAGER,
STATE BANK OF TRAVANCORE, KARIMPUZHA BRANCH
KARIMPUZHA, PALAKKAD - 679 513.**
- 2. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, OTTAPALAM, PALAKKAD - 679 101.**
- 3. THE DISTRICT COLLECTOR,
PALAKKAD - 678 001**

**R1 BY SRI.T.SETHUMADHAVAN SENIOR ADVOCATE
BY ADV. SRI. JAYESH MOHAN KUMAR, SC,
R2 & R3 BY GOVERNMENT PLEADER SRI.R. RENJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE MODEL EDUCATIONAL LOAN SCHEME.

EXHIBIT-P2: TRUE COPY OF THE GOVERNMENT ORDER DATED AUGUST, 3,2013

**EXHIBIT-P3: TRUE COPY OF THE DEMAND NOTICE DATED OCTOBER, 24, 2013
ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT-P4: TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK RELATING
TO THE LOAN ACCOUNT.**

**EXHIBIT-P5: TRUE COPY OF THE OBJECTIONS SUBMITTED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TREU COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 29611 of 2015

Dated this the 8th day of October, 2015

JUDGMENT

The petitioner, who had availed an educational 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 demand notice 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 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 petitioner is to permit him to remit the balance amounts outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

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

loan, is stated to be Rs.1,62,000/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.1,62,000/- together with accrued interest in twelve equal and successive monthly installments commencing from 01.11.2015, then the recovery steps initiated against him 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 installments, 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.
- (iii) The respondent bank shall furnish the petitioner with an upto-date statement of dues, so as to enable the petitioner to effect payments in accordance with the directions in this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE