

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. 30205 of 2015 (A)

PETITIONER :

**K.VASUDEVAN, AGED 60,
S/O.KRISHNAN EZHUTHACHAN, KOLLAYIL HOUSE
CHEMBARA P.O., PALAKKAD.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENTS :

- 1. THE SPECIAL DEPUTY TAHSILDAR (REVENUE RECOVERY),
KERALA STATE FINANCIAL ENTERPRISES LTD.,
PALAKKAD II BRANCH, OPP. AROMA THEATRE
PALAKKAD-678 001.**
- 2. KERALA STATE FINANCIAL ENTERPRISES LTD.,
REP. BY ITS MANAGER, PATTURAIKKAL BRANCH
THRISSUR- 682 001.**
- 3. STATE OF KERALA,
REP. BY THE PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE,
THIRUVANANTHAPURAM- 695 001.**

**R1 & R3 BY GOVT. PLEADER SMT. K.T. LILLY
R2 BY ADVS. SRI.ALEXANDER C.V., SC
SRI.LAL GEORGE, SC**

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

Mn

...2/-

WP(C).No. 30205 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 THE COPY OF THE ORDER OF THE 3RD RESPONDENT GRANTING
INSTALLMENT FACILITY TO CLEAR THE ARREARS OF RS.4,29,763/-.**
- EXT. P2 THE COPY OF THE RECEIPT ACKNOWLEDGING RS.1,07,400/- ISSUED
BY THE 1ST RESPONDENT DATED 25.03.2015.**
- EXT. P3 THE COPY OF THE RECEIPT ACKNOWLEDGING RS.15,000/- ISSUED BY
THE 1ST RESPONDENT DATED 02.05.2015.**
- EXT. P4 THE COPY OF THE NOTICE OF SALE ISSUED BY THE 1ST
RESPONDENT DATED 30.07.2015.**
- EXT. P5 THE COPY OF THE DEMAND DRAFT DRAWN ON THE STATE BANK OF
INDIA, PALAKKAD BRANCH DATED 12.08.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.30205 of 2015
.....
Dated this the 14th day of October, 2015

J U D G M E N T

The petitioner who had availed of a chitty loan from the respondent company, defaulted in repayment of the same. Consequently, the respondent company initiated proceedings under the Revenue Recovery Act to recover the loan amounts. Ext.P4 is the sale notice issued by the 1st respondent. In the writ petition, the petitioner impugns the steps initiated by the respondents for recovery of the loan amounts.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel appearing on behalf of the respondent company.

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 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 outstanding amount from the

petitioner to the respondent company, in respect of the loan, as on 01.10.2015 is stated to be Rs.6,40,646/- together with recovery charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.6,40,646/- together with accrued interest from 01.10.2015 and other charges in 12 equal and successive monthly instalments commencing from 01.11.2015, the recovery steps initiated against the petitioner by the respondents shall be kept in abeyance.

(iii) 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 him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns