

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. 30641 of 2015 (E)

PETITIONER(S) :

1. **GILBERT RAJ
BERACHAL AYIROOR
PERUMKADAVILA, NEYYATTINKARA.**
2. **LILLY RENJITHA BAI
BERACHAL AYIROOR
PERUMKADAVILA, NEYYATTINKARA.**
3. **G.L. JOY CHRISTOPHER RAJ
BERACHAL AYIROOR
PERUMKADAVILA, NEYYATTINKARA.**

**BY ADVS.SRI.M.R.ANANDAKUTTAN
SMT.M.A.ZOHRA
SRI.MAHESH ANANDAKUTTAN
SMT.S.SOUMYA ISSAC**

RESPONDENT(S) :

1. **DISTRICT COLLECTOR
COLLECTORATE, THIRUVANANTHAPURAM – 695 005.**
2. **THE REVENUE RECOVERY OFFICER
REVENUE RECOVERY OFFICE
NEYYATTINKARA – 695 121.**
3. **THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE, VELLAYAMBALAM,
THIRUVANANTHAPURAM – 695 003.**
4. **THE MANAGER
KERALA FINANCIAL CORPORATION
VELLAYAMBALAM, THIRUVANANTHAPURAM – 695 003.**

**R1 TO R3 BY GOVT. PLEADER SRI. R. RANJITH
R4 BY ADV. SRI. T.V. GEORGE, SC**

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

Mn

...2/-

WP(C).No. 30641 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE DEMAND NOTICE DATED 16-7-2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.30641 of 2015
.....
Dated this the 8th day of October, 2015

J U D G M E N T

The petitioners are partners of a firm, who had availed of a margin money loan from the 3rd respondent. When they defaulted in repayment of the loan, steps were taken against them under the Revenue Recovery Act as evidenced by Ext.P1 demand notice. The limited prayer of the petitioners in the writ present writ petition is for extension of facility of instalments to discharge the liability due to the 3rd respondent.

2. I have heard the learned counsel for the petitioners, the learned government Pleader for respondents 1 to 3 and the learned Standing Counsel appearing on behalf of the 4th respondent.

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

(i) The total amount outstanding from the petitioners to the respondents as evidenced from Ext.P1 notice is Rs.3,75,501/-together with accrued interest and collection charges. Accordingly, if the petitioners pay the aforesaid amount of Rs.3,75,501/- together with accrued interest and collection charges in ten equal and successive monthly instalments commencing from 01.11.2015, further steps for recovery shall be kept in abeyance.

(iii) It is made clear that, if the petitioners commit a default in respect of any of the instalments, they 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

mns