

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 30957 of 2015 (T)

PETITIONER(S):

- 1. SADANANDAN, AGED 55 YEARS,
SON OF RAMAN KUTTY, PERUMPAKAM KALAM, TATHAMANGALAM,
PALAKKAD DISTRICT.**
- 2. GRACY C., AGED 53 YEARS,
WIFE OF K.S.KALADHARAN, SREENADHAM, PALLATHAMPULLY,
TATHAMANGALAM, PALAKKAD DISTRICT.**
- 3. VASUMATHI, AGED 62 YEARS,
WIFE OF RAMAKRISHNAN, ANJALI, CHERUMCODE,
TATHAMANGALAM, PALAKKAD DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S):

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
'BHADRATHA' POST BOX NUMBER 520, MUSEUM ROAD,
THRISSUR-680 020.**
- 2. THE BRANCH MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LTD.,
CHITTUR BRANCH, CHITTUR,
PALAKKAD DISTRICT. PIN-678 101.**
- 3. THE GENERAL MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
'BHADRATHA' POST BOX NUMBER 520, MUSEUM ROAD,
THRISSUR-680 020.**
- 4. THE SECRETARY,
TATHAMANGALAM SERVICE CO-OPERATIVE BANK LTD. NUMBER P-502,
TATHAMANGALAM, CHITTUR TALUK,
PALAKKAD DISTRICT-678 101.**

**R1-R3 BY ADVS. SRI.JIMMY GEORGE THADATHIL, SC
SRI.ALEXANDER.C.V., SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 30957 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- A TRUE COPY OF THE LETTER DATED JULY 16, 2015 ISSUED BY THE
2ND RESPONDENT TO THE 3RD RESPONDENT.**

P2- A TRUE COPY OF THE SALARY CERTIFICATE OF THE 1ST PETITIONER.

**P3- A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD PETITIONER
TO THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.30957 of 2015

.....
Dated this the 16st day of October, 2015

J U D G M E N T

The petitioners 1 and 2 are sureties of a chitty prized by the deceased husband of the 3rd petitioner. When there was a default in repayment of the amounts due to the respondent company, the company initiated proceedings under the Revenue Recovery Act against the petitioners. The submission of the petitioners in the writ petition is essentially that there is a prized amount in another chitty and if the amounts due to the petitioners under the said chitty could be adjusted against the outstanding dues in the chitty under default, then the dues outstanding from the petitioners would come down subsequently.

2. I have heard the learned counsel for the petitioner 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 petitioners is to permit them to remit the balance amounts outstanding to the company 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 learned Standing counsel on instructions would submit that after giving credit to the petitioners for the prized amounts in other chitty the balance outstanding towards the defaulted amounts is Rs.1,63,092/- together with accrued interest. Accordingly the petitioners pay the aforesaid amount of Rs.1,63,092/- together with accrued interest in 10 equal and successive monthly instalments commencing from 01.11.2015, the recovery steps initiated against the petitioner by the respondent company shall be kept in abeyance.

(ii) 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 respondent company will be free to continue the recovery proceedings against them from the stage at which they presently stand.

(iii) I make it clear that during the period when the interim order against recovery under this judgment is pending, the respondents shall not resort to recovering any amounts from the salary of the petitioners.

A.K.JAYASANKARAN NAMBIAR
JUDGE

