

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 31297 of 2014 (J)

PETITIONER(S):

**ANWAR BASHA K.I , AGED 52 YEARS
S/O.ISMAIL RAVATHAR, 'KAKKAD HOSUE', KRWA 4C
KUTHAPADY, 2ND STREET, THAMMANAM P.O.
KOCHI - 682 032.**

**BY ADVS.SRI.T.K.SASINDRAN
SRI.T.S.SHYAM PRASANTH**

RESPONDENT(S):

**1. BANK OF INDIA
ERNAKULAM HOUSING FINANCE AND PERSONAL BANKING BRANCH
KALOOR, ERNAKULAM, KOCHI - 682 017
REPRESENTED BY ITS BRANCH MANAGER.**

**2. TAHSILDAR (RR),
KANAYANNUR TALUK, ERNAKULAM, KOCHI 682 010.**

**Addl.3. CATHOLIC SYRIAN BANK
PONNURUNNI BRANCH, VYTTILA P.O., KOCHI - 19.
(ADDL.R3 IS IMPEADED AS PER ORDER DATED 16.01.2015 IN
IA.685/2015)**

**R1 BY ADV.SRI.C.A.JOY
R3 BY ADV.SRI.R.S.KALKURA
R BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-02-2015, ALONG WITH WPC. 31298/2014, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

WP(C).No. 31297 of 2014 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE DEMAND NOTICE IN FORM 1 AND FORM 10 DATED
28/10/2014 VIDE NO.E4/5316/14/BL ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.31297 OF 2014 (J)

&

W.P.(C).NO.31298 OF 2014 (J)

Dated this the 10th day of February, 2015

J U D G M E N T

The petitioner in both the writ petitions had availed of two separate loans from the respondent bank, and had committed default in repayment of the same. Consequently, revenue recovery proceedings were initiated by the respondent bank for recovery of the amounts due from the petitioner. Ext.P1 is the demand notice issued to the petitioner in both the cases. In the writ petitions, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.T.K.Sasindran, the learned counsel appearing for the petitioner in both the writ petitions, Sri.C.A.Joy, the learned Standing counsel appearing for the respondent Bank in both the writ petitions as also Sri.Shyson P. Manguzha, the learned Government Pleader appearing for the respondents in both the writ petitions.

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 respondent 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 amount due from the petitioner to the respondent bank, in respect of both the loans, is stated to be Rs.13,59,710/- together with accrued interest and other charges. Accordingly, if the petitioner pays the above amount together with accrued interest in twelve equal and successive monthly installments commencing from 28.2.2015, 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.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

prp