

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 31669 of 2015 (G)

PETITIONER :

**BRAMMADETH ASOK,
S/O.ASOKAN, SOUPARNIKA, SREE CHAKRAM VELIYMCODE P.O.,
MARANALLOOR, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.G.SUDHEER
SMT.N.PASHA**

RESPONDENT(S):

- 1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
BHADRATHA, P.B.NO. 510, MUSEUM ROAD,
THRISSUR-680 020**
- 2. THE SPECIAL DEPUTY THASILDAR (REVENUE RECOVERY),
KERALA STATE FINANCIAL ENTERPRISES LTD,
NEW INDIA CENTER, II FLOOR MEDICAL COLLEGE.P.O.,
THIRUVANANTHAPURAM- 695 011**

BY ADV. SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL ENTERPRISES

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF CHITTY PASS BOOK IN CHITTY NO. 65/13 OF THE PETITIONER
- EXT.P2: TRUE COPY OF THE RELEVANT PAGES OF CHITTY PASS BOOK IN CHITTY NO. 25/13 OF THE PETITIONER
- EXT.P3: TRUE COPY OF THE RELEVANT PAGES OF CHITTY PASS BOOK IN CHITTY NO. 25/13 OF THE PETITIONER
- EXT.P4: TRUE COPY OF THE RELEVANT PAGES OF CHITTY PASS BOOK IN CHITTY NO. 25/13 OF THE PETITIONER
- EXT.P5: TRUE COPY OF THE MEDICAL RECORDS OF THE PETITIONER'S MOTHER ISSUED BY THE SOCIAL HEALTH CENTER, KATTAKADA
- EXT.P6: TRUE COPY OF THE DEMAND NOTICE SENT BY THE KERALA STATE FINANCIAL ENTERPRISES TO THE PETITIONER
- EXT.P7: TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DT. 18/9/15
- EXT.P8: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE SPECIAL DEPUTY TAHSILDAR (RR), KSFE, THIRUVANANTHAPURAM DT. 3/10/15

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 31669 of 2015

Dated this the 13th day of November, 2015

JUDGMENT

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 Kerala Revenue Recovery Act, to recover the loan amounts. In the writ petition, the petitioner impugns the steps initiated by the respondent 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

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loan, is stated to be Rs.24,42,749/- together with accrued interest and other charges. Accordingly, if the petitioner remits the aforesaid amount of Rs.24,42,749/- together with accrued interest and other charges in twelve equal and successive monthly installments commencing from 30.11.2015, then the recovery steps initiated against him by the respondent 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 will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE