

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 32523 of 2015 (M)

PETITIONER:

**JIMMY, AGED 52 YEARS,
S/O. VATTAKUNNEL JOSEPH, MALAKA DESOM,
MANALITHARA P.O., THRISSUR.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR-680001.**
- 3. THE TALUK TAHSILDAR,
TALAPILLY TALUK OFFICE, THRISSUR-680001.**
- 4. THE VILLAGE OFFICER,
MANALITHARA VILLAGE OFFICE, THRISSUR-680001.**
- 5. THE STATE BANK OF TRAVANCORE,
THRISSUR BRANCH,
REP. BY ITS BRANCH MANAGER,
THRISSUR-680001.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.R.RANJITH
R5 BY SRI.T.SETHUMADHAVAN (SENIOR ADVOCATE)
ADV. SRI.K.JAYESH MOHANKUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 32523 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1- A TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK OF THE
 PETITIONER WITH THE FIFTH RESPONDENT DATED 11-1-07.**

**EXHIBIT P2- A TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED
 DATED 4-1-2014 ON THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No. 32523 of 2015

Dated this the 20th day of November 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Revenue Recovery Act to recover the loan amounts. Ext.P2 is the copy of demand notice issued to the petitioner under Revenue Recovery Act. In the writ petition, the petitioner impugns the steps initiated by the respondent bank 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 loan, is stated to be Rs.8,60,000/- together with accrued interest and other charges. Accordingly, if the petitioner remits the aforesaid amount of Rs.8,60,000/- together with accrued interest and other charges in twelve equal and successive monthly installments commencing from 10.12.2015, 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/