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. 32705 of 2015 (K)

PETITIONER :

EMILY ANTONY
W/O.LATE ANTONY, THADIKKARAN HOUSE
KERALA AGRICULTURAL UNIVERSITY POST, VELLANIKKARA
THRISSUR – 680654.

BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN
SRI.K.ABDUL HAKEEM
SRI.JOBY VARGHESE

RESPONDENTS :
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1. **THE AUTHORIZED OFFICER CUM CHIEF GENERAL MANAGER,**
   STATE BANK OF TRAVANCORE, KOORKKANCHERRY BRANCH,
   P.B. NO 1404, S N TRADE CENTRE
   KOORKKANCHERRY, THRISSUR- 680 007.

2. **STATE BANK OF TRAVANCORE,**
   KOORKKANCHERRY BRANCH, P.B. NO 1404,
   S.N. TRADE CENTRE, KOORKKANCHERRY, THRISSUR - 680007
   REPRESENTED BY ITS BRANCH MANAGER

R1 & R2 BY SENIOR ADVOCATE SRI.T.SETHUMADHAVAN
BY ADV. SRI.K.JAYESH MOHAN KUMAR, SC

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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WP(C).No. 32705 of 2015 (K)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1:- TRUE COPY OF LETTER ISSUED BY THE SPECIAL TAHSILDAR (LA) DTD 4/4/2013.

EXT. P2:- TRUE COPY OF FINAL ORDER OF THE DEBT RECOVERY TRIBUNAL, ERNAKULAM DTD. 21/6/2013 IN OA NO. 61/2012.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 32705 of 2015
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Dated this the 13th day of November, 2015

JUDGMENT

The petitioner, who had availed of a Kissan Credit Card loan and an agricultural loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts. It is stated that some amounts have already been realised from the petitioner in proceedings before the Debt Recovery Tribunal.

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 her 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 loans as on 04.11.2015, is stated to be Rs.13,18,873/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.13,18,873/- together with accrued interest from 04.11.2015 in twelve equal and successive monthly installments commencing from 30.11.2015, 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, she will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against her from the stage at which they presently stand.

(iii) The respondent bank shall, within a period of one week from today, provide the petitioner with an upto-date statement of accounts, so as to enable the petitioner to discharge her liability in accordance with the directions of this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /13.11.15