

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 32978 of 2014 (V)

PETITIONER(S):

**SANTHOSH T.N., AGED 38 YEARS,
S/O.NARAYANAN, THONNANKAIPARAMBIL HOUSE, AYYANTHOLE
THRISSUR DISTRICT.**

BY ADV. SRI.K.A.SREEJITH

RESPONDENT(S):

- 1. MANAGER, KERALA STATE FINANCIAL ENTERPRISES
THRISSUR MAIN BRANCH, THRISSUR 680 001.**
- 2. DEPUTY TAHSILDAR (RR), K.S.F.E,
THRISSUR 680 020.**
- 3. PREETHA, W/O.RAJU.T.N.,
THONNANKAIPARAMBIL HOUSE, ARATTUPUZHA P.O.
THRISSUR DT. 680 562.**

R1 & 2 BY SRI.V.N.SASIDHARAN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 32978 of 2014 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: THE TRUE COPY OF THE FIRST PAGE OF KURI PASS BOOK

P2: THE TRUE COPY OF DEMAND NOTICE ISSUED BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 32978 of 2014 (V)

.....
Dated this the 29th day of January, 2015

JUDGMENT

The petitioner, is the subscriber of a chitty of Rs.10,00,000/- from the 1st respondent and the 3rd respondent stood as a surety for the same. When the petitioner became a defaulter, the 1st respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P2 is the notice issued under the Revenue Recovery Act to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. Heard Sri.K.A.Sreejith, learned counsel appearing for the petitioner and Sri.C.V.Alexander, learned Standing counsel appearing for the 1st respondent.
3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I note that the sole prayer of the petitioner is to permit him to remit the total overdue amount 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 overdue amount from the petitioner towards the defaulted

installments of the chitty as of today is stated to be Rs.8,60,105/- together with accrued interest. Accordingly, if the petitioner remits an amount of Rs.8,60,105/- together with accrued interest in ten equal and successive monthly instalments commencing from 16.02.2015, and continues to pay the regular installments as per the original schedule of the chitty, then, the recovery steps initiated by Ext.P2 notice 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 benefits 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

AMV/29/01/

The name of the standing counsel for the first respondent occurring in the second paragraph of the judgment dated 29.01.2015 in W.P.(C) No.32978/2014 is corrected and substituted as "Sri.V.N.Sasidharan" instead of "Sri.C.V.Alexander", as per order dated 24.03.2015 in I.A. No.4158/2015.

Sd/-
Registrar (Judicial)

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