IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 33075 of 2015 (H)

PETITIONER(S):

S. ASHIK HAMEED, AGED 40 YEARS,
S/O. R.S.K. SHEIK MADAI, NO.177A, EAST CAR STREET,
THEVARAM TOWN, THENI DISTRICT, TAMIL NADU.

BY ADV. SRI.JESWIN P.VARGHESE.

RESPONDENT(S):
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1. **THE BRANCH MANAGER,**
   STATE BANK OF TRAVANCORE,
   NEDUMKANDOM BRANCH, IDUKKI DISTRICT-685 553.

2. **THE DEPUTY TAHSILDAR (REVENUE RECOVERY),**
   TALUK OFFICE, NEDUMKANDOM, IDUKKI DISTRICT-685 553.

R1 BY ADVS. SRI.SANTHOSH MATHEW,
SRI.SATHISH NINAN.
R2 BY GOVT. PLEADER SRI.R. RANJITH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 33075 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

P1 : A COPY OF THE PASS BOOK OF KISSAN CREDIT CARD LOAN (CROP LOAN) (A/C NO.67136660750) ISSUED BY THE BANK.

P2 : A COPY OF THE PASS BOOK OF AGRICULTURAL TERM LOAN (A/C NO.67136659280) ISSUED BY THE BANK.

P3 : A COPY OF THE LEGAL NOTICE ISSUED BY THE INSTANCE OF 1ST RESPONDENT DTD. 26.08.2015.

P4 : A COPY OF THE REPLY SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DTD. 21.09.2015.

P5 : A COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT DTD. 23.09.2015.

P6 : A COPY OF REVENUE RECOVERY NOTICE ISSUED BY THE 2ND RESPONDENT DTD. 28.09.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C). No. 33075 of 2015

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Dated this the 17th day of December, 2015

JUDGMENT

The petitioner, who had availed of a cash credit facility as also a term loan from the respondent bank, defaulted in repayment of the same. Consequently, the 2nd respondent initiated proceedings under the Revenue Recovery Act. Ext.P6 is the recovery notice issued to the petitioner under the Act. In the writ petition, the petitioner impugns the steps initiated by the respondents 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 amount to be paid by the petitioner for closing the cash credit facility, as on 03.11.2015, is Rs.51,476/-. Similarly, the overdue amount in respect of the term loan, as on 03.11.2015, is stated to be approximately Rs.2,00,000/-. Accordingly, if the petitioner remits the amount of Rs.51,476/- together with accrued interest from 03.11.2015 on or before 20.1.2016, and remits the amount of Rs.2,00,000/-, together with accrued interest from 03.11.2015, in eight equal and successive monthly installments commencing from 05.01.2016, and continues to keep up the regular installments as per the original loan schedule in the term loan account, 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.

(iii) The respondent bank shall, within a period of two weeks from today, furnish the petitioner with an upto-date statement of accounts as also a copy of the loan agreement, so as to enable the petitioner to discharge the liability in accordance with the directions of this judgment.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE

das /17.12.15