

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937**

**WP(C).No. 33152 of 2015 (T)**  
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**PETITIONER(S):**  
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**MOHAMMED AYOOB, S/O.ABDULLAH,  
AGED 48 YEARS, H.NO.XXIV/124,  
CHANGAMPUZHA NAGAR,  
VAIKOM MOHAMMED BASHEER ROAD,  
EDAPPALLY, KOCHI.**

**BY ADVS.SRI.V.S.SHIRAZ BAVA,  
SRI.S.NIDHEESH.**

**RESPONDENT(S)/RESPONDENTS:-:**  
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- 1. THE VISHWAS CHITS AND INVESTMENTS (P) LTD.  
(IN LIQUIDATION), REPRESENTED BY THE OFFICIAL LIQUIDATOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE PUNJAB NATIONAL BANK,  
REPRESENTED BY ITS BRANCH MANAGER,  
VALIYAVEETIL BUILDING, TOLL JUNCTION,  
EDAPPALLY, KOCHI - 682 024.**
- 3. THE TAHSILDAR (R.R),  
KANAYANNUR TALUK, ERNAKULAM - 682 011.**

**R2 BY ADV. SRI.SANTHEEP ANKARATH, SC.  
BY ADV. SRI.K.MONI  
R3 BY GOVT. PLEADER SMT.LILLY K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

WP(C).No. 33152 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1. TRUE COPY OF THE NOTICE DATED 02.06.2015.
- P2. TRUE COPY OF THE JUDGMENT IN C.C. 208/2008 IN C.P. 3/2003  
DATED 11.11.2008.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C).NO.33152 OF 2015 (T)**  
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**Dated this the 3<sup>rd</sup> day of November, 2015**

**J U D G M E N T**

The petitioner, who is faced with recovery proceedings under the Kerala Revenue Recovery Act, for recovery of an amount of Rs.1,01,385/- representing a defaulted chitty loan, seeks only the grant of installment facility to discharge the liability due to the 1<sup>st</sup> respondent. It is the case of the petitioner that, for recovery of the said amounts from him, the account of the petitioner with the 2<sup>nd</sup> respondent bank has been frozen, at the instance of the 3<sup>rd</sup> respondent, pursuant to the revenue recovery proceedings initiated against him. It is under these circumstances that he has approached this Court seeking a lifting of the attachment over the account of the petitioner with the 2<sup>nd</sup> respondent bank, and to permit him to discharge the liability in installments.

2. I have heard the learned counsel for the petitioner, the learned counsel for the Official Liquidator on behalf of the 1<sup>st</sup> respondent, the learned Standing counsel for the 2<sup>nd</sup> respondent as

also the learned Government Pleader for the 3<sup>rd</sup> respondent.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar and also taking into account the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

(i) If the petitioner pays the outstanding dues to the 1<sup>st</sup> respondent, stated to be an amount of Rs.1,01,385/- together with accrued interest and other charges, in ten equal and successive monthly installments commencing from 30.11.2015, then the further proceedings initiated against him by the respondent bank shall be kept in abeyance.

(ii) To enable the petitioner to effect the payments due to the 1<sup>st</sup> respondent, in installments, I direct that the attachment over the bank account of the petitioner with the 2<sup>nd</sup> respondent Bank shall be lifted forthwith and there shall be no attachment of the said account during the period granted in this judgment for effecting the repayment.

(iii) 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.

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

prp/3/11/15