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

**PRESENT:**

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

**FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937**

**WP(C).No. 33156 of 2015 (T)**
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**PETITIONER :**
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**SHIBU, AGED 35 YEARS, S/O.RAMAKRISHNA NADAR,**
**SHIBU BHAVAN, MANNOTTUKONAM, PAYATTUVILA.P.O.,**
**THIRUVANANTHAPURAM-695 501**

**BY ADV. SRI.E.M.MURUGAN**

**RESPONDENT(S):**
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1. **THE BRANCH MANAGER,**
   **CANARA BANK, KAMUKINCODE BRANCH,**
   **THIRUVANANTHAPURAM-695 121**

2. **THE AUTHORIZED OFFICER, CANARA BANK,**
   **RETAILS ASSET HUB, FIRST FLOOR, SPENCER BUILDING,**
   **M.G.ROAD, THIRUVANANTHAPURAM-695 039**

3. **THE DEPUTY TAHASILDAR, REVENUE RECOVERY,**
   **REVENUE RECOVERY OFFICE, NEYYATINKARA,**
   **THIRUVANANTHAPURAM-695 121**

**R1 & R2 BY SRI.PAULY MATHEW MURICKEN,SC,CANARA BANK**
**R3 BY GOVERNMENT PLEADER SMT. K.T.LILLY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**sts**

**WP(C).NO.33156/2015**

## APPENDIX

**PETITIONER'S EXHIBITS:**

**P1 COPY OF THE SALE NOTICE DATED 30/09/2015**

**P2 COPY OF THE NOTICE UNDER SECTION 7 OF RR ACT**

**P3 COPY OF THE NOTICE UNDER SECTION 34 OF RR ACT.**

**RESPONDENT'S EXHIBITS: NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

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

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**W.P.(C).NO.33156 OF 2015**

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**Dated this the 30th day of October, 2015**

## J U D G M E N T

The petitioner, who had availed of a housing loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act to recover the loan amounts. Exts.P2 and P3 are the revenue recovery notices issued under the Revenue Recovery Act. Over and above this, the respondent bank also initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act'. Ext.P1 is the S. 13 (4) notice issued under the SARFAESI 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 respondent bank and also the learned Government Pleader.

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 respondent bank in easy instalments. 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 in respect of the loan availed by the petitioner is stated to be Rs.4,42,000/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.4,42,000/- together with accrued interest in six equal and successive monthly instalments commencing from 16.11.2015, and continues to keep up the regular instalments as per the original loan schedule, further proceedings against the petitioner shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

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

mns/.30.10.15