

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 33448 of 2014 (E)

PETITIONER :

**JUSTIN.N.L,
S/O LONAPPAN, NOCHUVALAPPIL HOUSE,
POTTA P.O.,CHALAKKUDY, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
THRISSUR,PIN- 680 001.**
- 2. THE DEPUTY TAHSILDAR (R.R),
CHALAKKUDY, THRISSUR-680 307.**
- 3. THE VILLAGE OFFICER,
POTTA VILLAGE, THRISSUR DISTRICT-680 722.**
- 4. STATE BANK OF TRAVANCORE,
REP. BY ITS MANAGER, KOORKANCHERRY BRANCH,
THRISSUR-680 503.**
- 5. THE CHIEF MANAGER, STATE BANK OF TRAVANCORE,
STRESSED ASSETS RESOLUTION CENTRE, THRISSUR,
SUN TOWER, EAST FORT, THRISSUR DISTRICT-680 005.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA
R4 & R5 BY SRI.T.SETHUMADHAVAN,SENIOR ADVOCATE
ADVS. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 33448 of 2014 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF DEMAND NOTICE FILED (D3)FILE NO.2013/13871/8/300
DATED 24.8.13.**

EXHIBIT P2: TRUE COPY OF THE LETTER OF 5TH RESPONDNET DATED 29.10.2014.

**EXHIBIT P3: TRUE COPY OF THE NOTICE OF P.L.P.NO.3611/2014 ISSUED BY
DISTRICT LEGAL SERVICE AUTHORITY DATED 10.11.2014.**

**EXHIBIT P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE 5TH RESPONDENT DATED 6.12.2014.**

RESPONDENT(S)' EXHIBITS

**EXHIBIT R4: TRUE COPY OF THE REPLY DATED 11/12/2014 SENT BY THE BANK TO
THE PETITIONER.**

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 33448 of 2014

Dated this the 23rd day of March, 2015

JUDGMENT

The petitioner, who had availed a 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. Ext.P1 is the demand notice issued to the petitioner. 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 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 overdue amount, in respect of the loan,

is stated to be Rs. 12,90,334/- together with accrued interest. Pursuant to a query from the bench, the respondent bank has submitted that it is willing to settle the liability of the petitioner for a reduced amount of Rs.11,44,697/- together with accrued interest. The petitioner is also agreeable to the said settlement. Accordingly, if the petitioner remits the said amount of Rs.11,44,697/-, together with accrued interest in six equal and successive monthly installments commencing from 31.03.2015, 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, 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE