

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 33600 of 2015 (Y)

PETITIONER(S) :

**RADHAKRISHNAN, AGED 61 YEARS,
S/O.NARAYANAN, KUMBIL HOUSE, PERAKAM P.O.,
CHAVAKKAD, THRISSUR DISTRICT-680 506.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

RESPONDENT(S) :

- 1. STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS MANAGER, VARAVOOR BRANCH,
THRISSUR-680 585.**
- 2. THE DEPUTY TAHSILDAR (RR),
THALAPPILLY TALUK, P.O.WADAKKANCHERY, THRISSUR-680 582.**
- 3. THE VILLAGE OFFICER,
PULAKKAD VILLAGE, THALAPPILLY TALUK,
THRISSUR DISTRICT-680 585.**

**R1 BY ADV. SRI.T.SETHUMADHAVAN (SENIOR ADVOCATE)
SRI.K.JAYESH MOHANKUMAR
R2 & R3 BY GOVERNMENT PLEADER SRI.RENJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 33600 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: TRUE COPY OF PLAINT IN O.S NO.728/2014 ON THE FILE OF
 MUNSIFF COURT, WADAKKANCHERY.**
- EXT.P2: TRUE COPY OF WRITTEN STATEMENT FILED BY THE PETITIONER
 IN O.S NO.728/2014.**
- EXT.P3: TRUE COPY OF REVENUE RECOVERY NOTICE DATED 04/10/2014.**
- EXT.P4: TRUE COPY OF I.A.NO.2941/2015 FILED BY THE PETITIONER IN
 O.S.NO.728/2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.33600 of 2015

Dated this the 16th day of November 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 Revenue Recovery Act, to recover the loan amounts. It is stated that there is a suit that has been filed by the respondent before the Munsiff Court, Vadakkanchery, in connection with the recovery of the defaulted loan amounts. 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 availed by the petitioner as on today, is stated to be Rs.7,30,000/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.7,30,000/- together with accrued interest in six equal and successive monthly installments commencing from 30.11.2015 and continues to keep up the regular installment payments as per the original loan schedule, 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

sm/