

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 34168 of 2015 (U)

PETITIONER :

**K.P.CHANDRASEKHARAN NAIR
AGED 57 YEARS, S/O.K.G.PARAMESWARAN PILLAI
RESIDING AT THEKKEKOYIKKAL HOUSE, KOTTAYAM WEST P.O.,
VELOOR VILLAGE, KOTTAYAM TALUK.**

**BY ADVS.SMT.LISY T. SKARIA
SMT.VINEETHA NARAYANAN**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. DISTRICT COLLECTOR
COLLECTORATE P.O., KOTTAYAM-686 001.**
- 3. DEPUTY THAHSILDAR
REVENUE RECOVERY, KOTTAYAM-686 001.**
- 4. STATE BANK OF TRAVANCORE,
SARK ZONAL OFFICE, KOTTAYAM-686 001.**
- 5. STATE BANK OF TRAVANCORE
CMS COLLEGE BRANCH, KOTTAYAM-686 001
REPRESENTED BY THE BRANCH MANAGER.**

**R1 TO R3 BY GOVT. PLEADER SMT. LILLY K.T.
R4 & R5 BY ADV. SRI.R.S.KALKURA, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 34168 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : TRUE COPY OF THE CHEQUE FOR RS. 8611 ISSUED BY THE
 PETITIONER TO THE 5TH RESPONDENT DT. 22-3-2009.**
- EXT. P2 : TRUE COPY OF THE ACKNOWLEDGEMENT CARD SIGNED BY THE
 MANAGER OF THE 5TH RESPONDENT.**
- EXT. P3 : TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY CARITAS
 HOSPITAL, KOTTAYAM.**
- EXT. P4 : TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER BY THE 2ND
 RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.34168 of 2015

Dated this the 12th day of November 2015

JUDGMENT

The petitioner, who had availed an educational loan from the 4th respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Revenue Recovery Act, to recover the loan amounts. Ext.P4 is the demand notice issued to the petitioner by the respondent bank. 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 outstanding amount, in respect of the loan, as seen from Ext.P4 notice is Rs.1,70,603/- together with accrued interest and collection charges. Accordingly, if the petitioner remits the aforesaid amount of Rs.1,70,603/- as shown in Ext.P4 demand notice, in twelve equal and successive monthly installments, commencing from 30.11.2015, 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

sm/