

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 34787 of 2015 (W)

PETITIONER(S):

**ANEESH BABU, AGED 23 YEARS,
S/O.BABU, ANEEZH BHAVAN, THAZHAMEL,
ANCHAL P.O., KOLLAM - 691 306.**

**BY ADVS.SRI.K.SIJU
SMT.RENY ANTO**

RESPONDENT(S):

- 1. AUTHORISED OFFICER, BANK OF INDIA,
ZONAL OFFICE, KERALA ZONE, KALOOR TOWERS,
KALOOR - KADAVANTHARA ROAD, KOCHI - 682 017.**
- 2. THE BRANH MANAGER, BANK OF INDIA,
PATHANAMTHITTA BRANCH, 1ST FLOOR,
MANGALAM PLAZA, KUMBAZHA ROAD,
PATHANAMTHITTA - 689 645.**
- 3. DISTRICT COLLECTOR, CIVIL STATION,
KOLLAM - 691 013.**
- 4. DEPUTY TAHSILDAR (RR), TALUK OFFICE,
PUNALUR, KOLLAM - 691 305.**
- 5. THE VILLAGE OFFICER, ANCHAL,
KOLLAM - 691 306.**

**R1&2 BY ADV. SRI.P.C.CHACKO SC BANK OF INDIA
R3-R5 BY GOVERNMENT PLEADER SRI.RANJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 34787 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF RELEVANT PAGES OF THE PASSBOOK SHOWING THE
REPAYMENT.**

EXT.P2: THE COPY OF NOTICE DTD.21.7.2015.

**EXT.P3: THE COPY OF DEMAND NOTICE ISSUED UNDER SEC.7 OF REVENUE
RECOVERY ACT DTD.25.9.2015.**

**EXT.P4: THE COPY OF DEMAND NOTICE ISSUED UNDER SEC.34 OF REVENUE
RECOVERY ACT DTD.25.9.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 34787 of 2015

Dated this the 18th day of November, 2015

JUDGMENT

The petitioner, who had availed of a vehicle 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.P3 and P4 are the demand notices issued to the petitioner under the RR 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 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 as on today, is stated to be Rs.2,50,159/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.2,50,159/- together with accrued interest in six equal and successive monthly installments commencing from 10.12.2015, and continues to keep up regular installments 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