

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 36059 of 2015 (F)

PETITIONER :

**BAIJU BABY, AGED 30 YEARS,
S/O. BABY, BAIJU BHAVANAM,
PAZHAKULAM, ADOOR, PATHANAMTHITTA.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.VISHNU (ARIKKATTIL)
SRI. IJLAL**

RESPONDENT(S):

- 1. THE SPECIAL DEPUTY TAHSILDAR,
(REVENUE RECOVERY), THE KERALA STATE FINANCIAL
ENTERPRISES (KSFE) LTD., KOLLAM-691 001**
- 2. THE BRANCH MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES (KSFE) LTD.,
PAZHAKULAM BRANCH, PAZHAKULAM, ADOOR-689 645**

**BY SRI.ALEXANDER.C.V., SC, KSFE
SRI.JIMMY GEORGE THADATHIL, SC, KSFE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE DEMAND NOTICE DATED 09/07/2015 ISSUED BY THE FIRST RESPONDENT IN CHITTY NO.27/2013-A/4.**
- P2 COPY OF THE DEMAND NOTICE DATED 26/08/2015 ISSUED BY THE FIRST RESPONDENT IN CHITTY NO.43/2012-A28**
- P3 COPY OF THE DEMAND NOTICE DATED 09/07/2015 ISSUED BY THE FIRST RESPONDENT IN NCL-56**
- P4 COPY OF THE NOTICE DATED 08/07/2015 ISSUED UNDER SECTION 34 OF THE REVENUE RECOVERY ACT**
- P5 COPY OF THE NOTICE DATED 26/08/2015 ISSUED UNDER SECTION 34 OF THE REVENUE RECOVERY ACT**
- P6 COPY OF THE NOTICE DATED 11/11/2015 AFFIXED UNDER SECTION 36 OF THE REVENUE RECOVERY ACT**
- P7 COPY OF THE DISCHARGE CARD OF THE PETITIONER ISSUED FROM THE HOSPITAL.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.36059 of 2015
.....
Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner, who is a subscriber of two chitties with the 2nd respondent company and a guarantor in respect of a 3rd chitty loan advanced to one Raji Rajan, is aggrieved by the revenue recovery steps initiated by the respondents for recovery of defaulted loan amounts. The limited prayer of the petitioner in the writ petition is for a facility of instalments to discharge the liability due to the respondents.

2. I have heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondent company.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with the following directions:-

(i) If the petitioner discharges the liability due as per Ext.P6 demand notice in 10 equal and successive monthly instalments commencing from 20.12.2015, further proceedings for recovery shall be kept in

abeyance.

(iii) 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/02.12.15