IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 36081 of 2015 (I)

PETITIONER:

TUSHAR NILAMBER, AGED 25 YEARS,
S/O.NILAMBER, PRANAVAM, KOKKAPPILLY P.O.,
THIRUVANKULAM, ERNAKULAM, PIN- 682 305.

BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR

RESPONDENT(S):
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1. DEPUTY TAHSILDAR (RR).
TALUK OFFICE, KUNNATHUNADU,
PERUMBAVOOR, ERNAKULAM, PIN- 683 542.

2. THE MANAGER, UNION BANK OF INDIA,
POOTHRUKKA BRANCH, ERNKULAM 682 308.

R1 BY GOVERNMENT PLEADER SRI.R.RANJITH
R2 BY SRI.A.S.P.KURUP, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 36081 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT P1- TRUE COPY OF SECTION 7 DEMAND NOTICE DATED 05/08/2015 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.

EXT P2- TRUE COPY OF SECTION 34 DEMAND NOTICE DATED 05/08/2015 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.36081 OF 2015 (I)

Dated this the 3rd day of December, 2015

J U D G M E N T

The petitioner, who had availed of two term loans and a cash credit facility from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act', to recover the loan amounts. Exts.P1 and P2 are the demand notices issued 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 for the petitioner as also the learned Standing counsel appearing for the respondent bank.

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 respondent 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 two term loans and cash credit facility availed by the petitioner, are stated to be Rs.3,35,000/- and Rs.2,80,000/- respectively. Accordingly, if the petitioner pays the total amount of Rs.6,15,000/- together with accrued interest in ten equal and successive monthly installments commencing from 21.12.2015, and continues to keep up the regular installment payments as per the original loan schedule in the two term loan accounts, and also complies with the formalities stipulated by the respondent bank for continuing the cash credit facility, then the further proceedings initiated against him by the respondent bank shall be kept in abeyance.

(ii) It is further 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.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/3/12/15