

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36815 of 2015 (B)

PETITIONER:

**DR.SHAKEEL, S/O.C.H. HAMEED,
AGED 33 YEARS, 'SEA VIEW', PUTHIYANGADI,
POST MADAYI, KANNUR DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL.

RESPONDENT:

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
REGD. OFFICE, 'BHADRATHA', P B NO. 510,
MUSEUM ROAD, CHEMBUKAVU, THRISSUR- 20.**
- 2. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
KOZHIKODE EVENING BRANCH, AMBEDKAR BUILDING,
RAILWAY STATION LINK ROAD, KOZHIKODE- 2,
REPRESENTED BY ITS MANAGER.**
- 3. THE MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
KOZHIKODE EVENING BRANCH, AMBEDKAR BUILDING,
RAILWAY STATION LINK ROAD, KOZHIKODE- 2.**

**BY ADV. SRI.ALEXANDER.C.V., SC.
ADV. SRI.V.N.SASIDHARAN, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 36815 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1:- THE TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT
DATED 24/11/2014.**

**P2:- THE TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT
DATED 25/11/2014.**

**P3:- THE TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT
DATED 25/11/2014.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.36815 of 2015

Dated this the 7th day of December 2015

JUDGMENT

The petitioner, who had defaulted on chitty loans availed from the respondent company, seeks only the grant 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 for 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) The total amount outstanding from the petitioner to the respondents, in respect of two chitties, is stated to be Rs.22,30,318/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.22,30,318/- together with accrued interest and other charges, in twelve equal and successive monthly installments commencing from 05.01.2016, then the recovery steps initiated against him by the respondent board 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 board 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/