

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 38626 of 2015 (C)

PETITIONER(S) :

**K.RAJASEKHARAN NAIR, AGED 53 YEARS,
S/O.KARUNAKARAN NAIR, PADMA VILASOM, K.R.A. C-368,
YADHUKKARAVILAKAM, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM.**

BY ADV. SRI.S.RAJASEKHARAN NAIR

RESPONDENT(S) :

- 1. DEPUTY TAHSILDAR (R.R),
CIVIL STATION, KUDAPPANAKKUNNU, THIRUVANANTHAPURAM-43.**
- 2. THE VILLAGE OFFICER,
KUDAPPANAKKUNNU VILLAGE, PEROORKADA P.O.,
THIRUVANANTHAPURAM-695 005.**
- 3. THE BRANCH MANAGER,
INDIAN OVERSEAS BANK, MUKKOLAKKAL BRANCH,
MUKKOLAKKAL P.O., THIRUVANANTHAPURAM-44.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.R.RENJITH
R3 BY ADV.SRI.SUNIL SHANKAR, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 38626 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 07.04.2014 ISSUED BY
THE 1ST RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE REPRESENTATION DATED 28.03.2011
SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT
COLLECTOR.**

**EXHIBIT P2(A): TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED FROM
THE OFFICE OF THE DISTRICT COLLECTOR.**

EXHIBIT P3: TRUE COPY OF THE RECEIPT DATED 23.11.2015 FOR RS.5000/-.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.38626 of 2015

Dated this the 18th day of December 2015

JUDGMENT

The petitioner, who had availed an education loan for his daughter, from the 3rd 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.P1 is the notice issued to the petitioner by the revenue recovery authorities. 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, is stated to be Rs.8,28,137/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.8,28,137/- together with accrued interest in twelve equal and successive monthly installments commencing from 05.01.2016, 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.

(iii) The respondent bank shall furnish the petitioner with an up-to-date statement of the dues position, within 10 days from today, so as to enable the petitioner to effect repayment as per the directions in this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/