

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38812 of 2015 (B)

PETITIONER :

**JOSHY SKARIA, AGED 46, S/O. P.Y.SKARIA,
PARACKAL HOUSE, VADAKKUMBHAM VILLAGE,
KANJOOR POST, ALUVA TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENT(S):

- 1. STATE OF KERALA, REP. BY SECRETARY,
DEPT. OF REVENUE SECRETARIAT, TRIVANDRUM-695 001**
- 2. THE LAND REVENUE COMMISSIONER,
O/O. THE LAND REVENUE COMMISSIONER,
STATE OF KERALA, TRIVANDRUM-695 001**
- 3. THE DISTRICT COLLECTOR, ERNAKULAM DISTRICT,
CIVIL STATION, KAKKANADU, KOCHI-682 030**
- 4. THE DEPUTY TAHSILDAR, ALUVA TALUK,
TALUK OFFICE, ALUVA, ERNAKULAM DISTRICT, PIN-683 101**
- 5. THE STATE BANK OF TRAVANCORE,
ALUVA BRANCH, REP. BY ITS BRANCH MANAGER, PIN-683 101**

**R1 TO R4 BY GOVERNMENT PLEADER SMT. LILLY.K.T.
R5 BY SRI.SATHISH NINAN,SC
SRI. SANTHOSH MATHEW**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND SMT. SIBI SOJAN**
- P2 COPY OF THE LETTER DATED 18/08/2014 ISSUED BY THE 5TH RESPONDENT**
- P3 COPY OF THE PAY- IN- SLIP DATED 30/03/2015**
- P4 COPY OF THE NOTICE CONTEMPLATED UNDER SECTION 7 SERVED ON 09/11/2015**
- P5 COPY OF THE NOTICE CONTEMPLATED UNDER SECTION 34 OF THE KERALA REVENUE RECOVERY ACT**
- P6 COPY OF THE NOTICE DATED 17/11/2015**
- P7 COPY OF THE APPEAL PREFERRED BEFORE THE 2ND RESPONDENT**
- P8 COPY OF THE APPEAL PREFERRED BEFORE THE 3RD RESPONDENT**
- P9 COPY OF THE POSTAL RECEIPT DATED 15/12/2015 ISSUED BY THE POSTAL AUTHORITY.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

PA.TO JUDGE

sts

K.VINOD CHANDRAN, J

W.P.(C).No. 38812 of 2015

Dated this the 21st day of December, 2015

J U D G M E N T

The petitioner availed an agricultural loan from the respondent Bank. Since default was committed in the said loan account, the respondent Bank has initiated recovery proceedings against the petitioner.

2. The learned counsel for the respondent Bank submits that as on today there is an amount of Rs.1,52,000/- pending due and defaulted.

3. Considering the confined prayer made for instalments, it is directed that the recovery proceedings shall be kept in abeyance on condition of the petitioner settling the entire dues in 12 equal monthly instalments. First instalment shall be paid on or before 18.01.2016 and the balance instalments shall be paid on the 18th of the succeeding months. The recovery

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proceedings shall stand closed on the satisfaction of the arrears. If two consecutive defaults are committed on the instalments, the Bank shall resume the recovery proceedings initiated. On the satisfaction of the entire dues, the Bank shall give a statement of the future interest if any, and the same shall be settled as the 13th instalment.

The writ petition stands disposed of as above. No costs.

Sd/-
K.VINOD CHANDRAN,
Judge

jma //true copy//

P.A to Judge