

Chandran Vs. the Branch Manager

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Court : Kerala

Decided On : Dec-19-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Chandran

Respondent : The Branch Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON THURSDAY, THE 19TH DAY OF DECEMBER 2013 28TH AGRAHAYANA, 1935 WP(C).No. 31142 of 2013 (P) ----- PETITIONER: -----

CHANDRAN, NJARAKOTTIL HOUSE, 16TH MILE, KADAMPAZHIPURAM, PALAKKAD. BY ADV. SRI.B.KRISHNA MANI. RESPONDENTS: -----

1. THE BRANCH MANAGER, STATE BANK OF INDIA, KADAMPAZHIPURAM, PALAKKAD DISTRICT- 678 633.

2. THE VILLAGE OFFICER, KADAMPAZHIPURAM II VILLAGE, OTTAPPALAM TALUK, PALAKKAD -678 633. R1 BY SRI.R.S.KALKURA, S.C, R2 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-12-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Prv. W.P.(C).NO.31142/2013-P: APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1: TRUE COPY OF THE TAX RECEIPT DATED 11-10-2013. EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 27-11-

2013. EXHIBIT P3: TRUE COPY OF THE NOTICE DATED 27.11.2013
RESPONDENTS' EXHIBITS: NIL. //TRUE COPY// P.A. TO JUDGE. Prv.
P.R.RAMACHANDRA MENON, J.

----- W.P.(c)No. 31142 OF 2013-----
----- Dated this the 19th day of December, 2013

JUDGMENT

The petitioner availed an agricultural loan of Rs. 50,000/- from the first respondent Bank in the year 2010. By virtue of the turn of events and adverse circumstances, the petitioner could not satisfy the amount on time, which made the petitioner a defaulter and the Bank proceeded with steps under SARFAESI Act.

2. The learned counsel for the respondent Bank submits on instructions that as on date a total sum of Rs. 72,427/- is due and if the petitioner is desirous of clearing the liability, 50% of the interest payable can be waived, if the entire payment is effected on or before 31.12.2013.

3. The learned counsel for the petitioner submits that the petitioner is finding it difficult to make the both ends meet and submits that to prove the bonafides of the petitioner to have the liability wiped off, the petitioner is ready to satisfy Rs. 30,000/- on or before the 31st of W.P.(C)No.31142/2013 2 December 2013 and the request is only to permit the petitioner to file a representation before the first respondent Bank to have it considered extending permissible extent of relief by way of interest deduction or otherwise.

4. In the above circumstances, the writ petition is disposed of, directing the petitioner to satisfy Rs. 30,000/- (Rupees thirty thousand only) on or before the 31st of December 2013. The petitioner is set at liberty to file representation as aforesaid before the first respondent within two weeks from the date of receipt of a copy of this judgment, upon which the same shall be considered and appropriate orders shall be passed by the first respondent extending the benefit, if at all any, to the permissible extent in accordance with law. Subject to this recovery proceedings shall be kept in abeyance and if the petitioner commits any default, the respondent Bank will be at liberty to proceed with further steps for realisation

of the entire outstanding liability in a lump, pursuing appropriate steps, from the stage where it stands now. P.R.RAMACHANDRA MENON JUDGE sv. W.P.(C)No.31142/2013 3

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