

**Reetha Vs. State of Kerala and Others**

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**SooperKanoon Citation :** [sooperkanoon.com/1158219](http://sooperkanoon.com/1158219)

**Court :** Kerala

**Decided On :** Jul-23-2014

**Judge :** Honourable Mr.Justice K.Vinod Chandran

**Appellant :** Reetha

**Respondent :** State of Kerala and Others

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN WEDNESDAY, THE 23<sup>RD</sup> DAY OF JULY 2014 1<sup>ST</sup> SRAVANA, 1936 WP(C).No. 2661 of 2010 (G) ----- PETITIONER : ----- REETHA, W/O.PAULSON, AGED 51 YEARS, CHIRAMAL HOUSE, AYYAPPANKAVU DESOM, MULAYAM VILLAGE, THRISSUR TALUK. BY ADV. SRI.MILLU DANDAPANI RESPONDENTS : ----- 1. STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, THRISSUR.

2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY-V), K.S.F.E. THRISSUR - 20.

3. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED, THRISSUR, REPRESENTED BY THE BRANCH MANAGER.

4. C.T.PAULSON, S/O.CHIRAMAL THOMAS, AYYAPPANKAVU DESOM, MULAYAM VILLAGE, THRISSUR TALUK. NOW RESIDING AT BRAHMAKULAM,

CHITTIAPPILLI VILLAGE THRISSUR TALUK. R1 BY GOVERNMENT PLEADER R2 & R3 BY SRI.BABU VARGHESE SENIOR ADVOCATE BY ADVS. SRI.M.L.SAJEEVAN, SC, KSFE LTD. SRI.JOHNSON T.JOHN, SC, KSFE LTD. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BP WP(C).No. 2661 of 2010 (G) APPENDIX PETITIONER'S EXHIBITS : P1: COPY OF THE PLAN IN SY.NOS. 259, 265/1 AND 2663 OF MULAYAM VILLAGE. P2: COPY OF THE

ORDER

PASSED BY THE FAMILY COURT, THRISSUR IN I.A. NO. 1743/2008 IN O.P. 532/2008. P3: COPY OF THE BUILDING TAX RECEIPT NOTICE BILL NO.111/416 DT282/2009 ISSUED BY THE NADATHARA GRAMA PANCHAYATH. P4: COPY OF THE BUILDING TAX RECEIPT NOTICE BILL NO. III/417DT282/2009 ISSUED BY THE NADATHARA GRAMA PANCHAYATH. P5: COPY OF THE RECEIPT FOR PAYMENT OF ELECTRICITY CHARGE BY THE PETITIONER FOR RS. 634/ DT206/2009. P6: COPY OF THE RECEIPT FOR PAYMENT OF ELECTRICITY CHARGE BY THE PETITIONER FOR RS286-DT148/2009. P7: COPY OF THE RECEIPT FOR PAYMENT OF ELECTRICITY CHARGE BY THE PETITIONER FOR RS405- DT310/2009. P8: COPY OF THE DEMAND NOTICE NO. G4-2009/47413/8 DT311/2009 FOR THE ARREARS OF RS90 000/- ISSUED BY THE R2 IN FAVOUR OF THE R4. P9: COPY OF THE DEMAND NOTICE NO. G4-2009/47406/8 DT311/209 FOR THE ARREARS OF RS84772/- ISSUED BY THE R2 IN FAVOUR OF THE R4. P10: COPY OF THE DEMAND NOTICE NO. G4-2009/47405/8 DT311/2009 FOR THE ARREARS OF RS. 84,688/- ISSUED BY THE R2 IN FAVOUR OF THE R4. P11: COPY OF THE DEMAND NOTICE NO. G4 2009/47408/8 DT311/2009 FOR THE ARREARS OF RS84716/- ISSUED BY THE R2 IN FAVOUR OF THE R4. P12: COPY OF THE DEMAND NOTICE NO. G4 2009/47410/8 DT311/2009 FOR THE ARREARS OF RS38013/- ISSUED BY THE R2 IN FAVOUR OF THE R4. P13: COPY OF THE DEMAND NOTICE NO. G4 2009/47409/8 DT311/2009 FOR THE ARREARS OF RS40028/- ISSUED BY THE R2 IN FAVOUR OF THE R4. P14: COPY OF THE DEMAND NOTICE NO. G4 2009/47411/8 DT311/2009 FOR THE ARREARS OF RS239,257/- ISSUED BY THE R2 IN FAVOUR OF THE R4. P15: COPY OF THE

RECEIPTS EVIDENCING THE REMITTANCE OF THE TOTAL AMOUNT OF RS476,170/- DT1010/2013 RESPONDENT'S EXHIBITS : NIL. //TRUE COPY//  
P.A.TO JUDGE BP K. VINOD CHANDRAN, J -----  
- - W.P(C).No.2661 of 2010 ----- Dated this the  
23rd day of July, 2014

## **JUDGMENT**

The petitioner's husband, the 4th respondent had subscribed to various chitties and bid the chitty amount from the Kerala State Financial Enterprises Ltd. [for brevity "KSFE"]. The 4th respondent committed default in the payment of the chitties. According to the petitioner, the 4th respondent deserted the petitioner and her children. The property that was mortgaged by the 4th respondent is now proceeded against, for recovery of the amounts due from the defaulter towards those defaulted chitties.

2. Considering the impecunious circumstances of the petitioner and also the confined prayer made for instalments, it is directed that the sale shall be kept in abeyance on condition of the petitioner settling the entire amounts due in fifteen equal monthly instalments, starting from 23.08.2014, followed up on the 23rd of each succeeding month. The KSFE shall issue a statement showing the liabilities covered in the chitties, which are the subject matter of the present writ W.P(C).No.2661 of 2010 :

2. : petition as on 15.08.2014, and the petitioner shall satisfy the entire liability as directed above. If default is committed of two consecutive instalments, then the recovery proceedings shall revive and continue. If the entire instalments are satisfied, then the recovery proceedings shall stand vacated.

3. Petitioner also would contend that, in fact, the petitioner would bring a purchaser for the property, in which event, the property would fetch a better price, than that would be obtained in public auction. If the petitioner brings such a purchaser, the sale shall be facilitated only with the junction of the KSFE. The advance money and the consideration shall be paid into the loan account, to the extent of satisfying the debt due. But, however, it is made clear that, a proposal

made on that account, need not deter the petitioner from remitting the instalments, since necessarily, the remittances would go to the credit of the petitioner in the loan account. Writ petition is disposed of as above. No costs. Sd/- (K. VINOD CHANDRAN, JUDGE) Sbn

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