

Krishnan vs Manager

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Court : Kerala

Decided On : Jan-11-2024

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/1163/2024

Appellant : Krishnan

Respondent : Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 11TH DAY OF JANUARY 2024 / 21ST POUSHA, 1945 WP(C) NO. 1163 OF 2024 PETITIONER/S: KRISHNAN AGED 64 YEARS S/O AMBADI, VENDENGOTTU CHALIL-HOUSE, KAIVELI (PO), NEDUMANNUR, KOZHIKODE DISTRICT, PIN - 673507 BY ADVS. M.P.PRIYESHKUMAR MUSTHAFAP.P RESPONDENT/S: 1 MANAGER KERALA STATE FINANCIAL ENTERPRISES (KSFE), KALLACHI BRANCH, KAIRALI COMPLEX KOZHIKODE DISTRICT,, PIN - 673506

2 AUTHORISED OFFICER KSFE REGIONAL OFFICE, KALLAI ROAD KOZHIKODE DISTRICT, PIN - 673002 3 SPECIAL DEPUTY TAHSILDAR KSFE,

KOZHIKODE (RR), PIN - 673002 SRI. SALIL NARAYANAN K A, SC FOR KSFE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C). No.1163 of 2024 2

JUDGMENT

The petitioner states that his son subscribed to a chit bearing number an item of a property owned by him. It is also stated that due to certain financial and other related contingencies, he could not repay certain installments towards the said loan. The revenue recovery proceedings have been initiated, and the petitioner has now been served with Ext.P1 notice threatening the sale of the immovable property which stands mortgaged. It is on these assertions that this writ petition is filed seeking directions to the respondents to grant 20 monthly installments to pay the entire loan amount outstanding.

2. The learned Standing Counsel appearing for the respondents

vehemently opposed the prayer of the petitioner to remit the loan amount in 20 equal monthly installments. It is submitted that the total amount outstanding as of date is Rs.9,12,873/- and at the most, ten (10) installments can be granted.

3. I have considered the submissions advanced and have carefully gone through the records. W.P.(C). No.1163 of 2024 3

4. From the submissions made by both sides, it appears that the

total amount due from the petitioner in respect of the loan is over Rs.9 Lakhs. As the respondents have not objected to granting an installment facility to the petitioner to clear off the dues, I am of the view that necessary directions can be issued as a last-ditch effort to enable the petitioner to clear the amounts due to the 1st respondent.

5. Resultantly, this writ petition is ordered, and the following directions are issued:

(i) The petitioner shall approach the 1st respondent with

a request to inform him of the details of the actual amount together with interest and other charges due from him in respect of the loan account. If such a request is made within two weeks from the date of receipt of a copy of this judgment, the 1st respondent shall forthwith issue a statement in writing detailing the total amount due to close the loan account.

(ii) On receipt of such a statement, the petitioner shall

pay the amount shown therein in fifteen (15) equal monthly installments commencing from 1.3.2024 and continue to pay the same on every successive month thereafter until the entire loan is wiped off.

(iii) If the amounts are diligently paid in terms of the directions above, coercive proceedings initiated against him by the respondents for the realization of the amount shall be kept in abeyance. W.P.(C). No.1163 of 2024 4

(iv) It is made clear that if the petitioner commits default

in respect of any two installments, he will lose the benefit of this judgment, and the concerned respondent will be free to continue with the recovery proceedings against him from the stage at which they presently stand and recover the entire amount along with interest and other charges.

(v) It is further made clear that no petition for an

extension of time will be entertained. Sd/- RAJA VIJAYARAGHAVAN V, JUDGE NS W.P.(C). No.1163 of 2024 5 APPENDIX OF WP(C) 1163/2024 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE REVENUE RECOVERY NOTICE NUMBERED SDT/KKD/15135/22-23 ISSUED BY THE 3RD RESPONDENT DATED 22.12.2023

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