

(2012) 07 KL CK 0178

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 16158 of 2012 (T)

Hassan Moideen

APPELLANT

Vs

The District Collector Collectorate, Post Malappuram,
Malappuram District - 687370, The Deputy Tahsildar Revenue
Recovery, Tirur Taluk, Post Tirur, Malappuram District -
687810 and The Manager, State Bank of Travancore,
Kuttippuram Branch, Post Kuttippuram, Malappuram District-
687817

RESPONDENT

Date of Decision : 20-07-2012

Acts Referred:

Citation : (2012) 07 KL CK 0178

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

**Advocate : C.M. Mohammed Iquabal, for the Appellant; P.A. Reziya, Sr.
Government Pleader for R1 and R2, Sri. T. Sethumadhavan, Sri. Pushparajan
Kodoth and Sri. K. Jayesh Mohankumar for R3, for the Respondent**

Judgement

Justice P.R. Ramachandra Menon

1. The petitioner availed some financial assistance from the third respondent Bank in connection with the education of his son in the year 2004. The amount borrowed was a sum of Rs. 3 Lakhs (Rupees Three lakhs only). Since the repayment could not be effected on time, the Bank proceeded with steps under the RR Act by sending a requisition to the revenue authorities, which made the petitioner to approach before this Court, by filing the present writ petition. Learned counsel for the petitioner submits, that the default was never wilful, but because of some unforeseen developments, particularly the adverse circumstances in connection with the employment of the petitioner abroad, who virtually lost his job. The learned counsel also submits that earnest steps are being taken, notwithstanding all hurdles, to clear the loan amount by raising funds from one or other source and that the only relief prayed for is to give some breathing time by way of reasonable installments. Learned counsel for the Bank

submits that a total sum of Rs. 5,91,395/- (Rupees Five lakhs ninety one thousand three hundred and ninety five only) is due as on 16.07.2012.

2. After hearing both the sides, the petitioner is permitted to wipe off the entire liability by way of "ten" equal monthly installments, the first of it shall be effected on or before 10th August 2012 and the other installments to be effected on or before 10th of the succeeding months. Subject to this, the recovery proceedings pursuant to Ext.P1 shall be kept in abeyance for the time being. It is made clear that, if any default is committed by the petitioner, it will be open for the respondent Bank to proceed with further steps for realization of the entire amount in lump, from the stage where it stands now.

The writ petition is disposed of.