

(2011) 02 KL CK 0051

In the High Court Of Kerala

Case No : WA. No. 144 of 2011 and W.P. (C) No. 37897 of 2010

M.K. Sasidharan

APPELLANT

Vs

The Kerala State Financial Enterprises, The Branch Manager
and The Special Deputy Tahsildar (R.R.)

RESPONDENT

Date of Decision : 14-02-2011

Acts Referred:

Citation : (2011) 02 KL CK 0051

Hon'ble Judges : Jasti Chelameswar, C.J;Antony Dominic, J

Bench : Division Bench

Advocate : M.J. Thomas, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—In the year 2004 the writ Petitioner availed a housing loan of Rs. 1,75,000/- from the second Respondent. According

to him, till 2007 repayment was made and default was committed thereafter. Revenue recovery proceedings were initiated against the Petitioner by

Exts.P7 and P8 for realization of Rs. 159029/- with future interest and other charges.

2. It was at that stage that the writ petition was filed mainly contending that the amount sought to be realized is erroneous. The learned Judge

passed a conditional order of stay requiring remittance of Rs. 50,000/- on or before 10.1.2011. When extension of time was sought by filing I.A.

No. 567 of 2011, an order was passed requiring remittance of the amount by 15.2.2011 with a direction that on failure of remittance of the

amount the writ petition will stand dismissed. It was aggrieved by the said order this writ appeal is filed.

3. When the writ appeal came up for admission we called for the writ petition itself and the parties are heard.

4. Having regard to the circumstances pointed out by the Petitioner and also taking note of the fact that the Petitioner is a carpenter who suffered an accident resulting the loss of two fingers, we feel it only appropriate that the Petitioner is given an instalment facility to pay off the arrears and discharge the liability and thus avoiding the coercive action.

5. In that view of the matter we direct the Petitioner to pay the amounts due to the Respondents in monthly instalments of Rs. 5000/- (Rupees five thousand) each, first of which shall be paid on or before 25.2.2011 and the remaining instalments shall be paid without default on or before 25th of every succeeding month. On payment of the first instalment, the second Respondent shall issue the Petitioner a statement indicating the actual amount due from him. It is also directed that if the Petitioner pays the amount as above without default the revenue recovery proceedings shall not be continued and that in the event of any default is committed it will be open to the Respondents to continue the revenue recovery proceedings against the Petitioner.

The writ petition is disposed of as above. Since the writ petition itself has been disposed of further orders are unnecessary in the writ appeal and therefore the writ appeal is closed.