
(2023) 03 KL CK 0005
In the High Court Of Kerala
Case No : Writ Petition (C). No.7257 Of 2023

Muhammedkutty P

APPELLANT

Vs

Kerala State Financial Enterprise (KSFE)

RESPONDENT

Date of Decision : 03-03-2023

Acts Referred:

Kerala Revenue Recovery Act, 1968 — Section 36

Citation : (2023) 03 KL CK 0005

Hon'ble Judges : Shaji P. Chaly, J

Bench : Single Bench

Advocate : K.Rakesh, P.C.Anilkumar

Final Decision : Disposed Of

Judgement

Shaji P.Chaly, J

1. Petitioner is a guarantor to a chitty subscribed by one Aboobacker. Repayment was defaulted, consequent to which, recovery action was initiated by the respondents resorting to the provisions of the Kerala Revenue Recovery Act, 1968, evident from Exhibit P1 notice issued under section 36 of the Act, 1968. It is thus challenging the legality and correctness of the coercive action, the writ petition is filed.

2. Even though various contentions are raised, learned counsel for petitioner submitted that the petitioner may be permitted to pay the outstanding amounts in 20 equated monthly installments. The learned Standing Counsel, on instructions, submitted that as on today, an amount of Rs.14,10,567/- is due from the petitioner and opposed the suggestion to pay the amount in twenty instalments.

3. I have heard learned counsel for petitioner Sri.K.Rakesh and learned Standing Counsel for the KSFE Sri.P.C.Anilkumar and perused the pleadings and material on record.

4. Taking into account the adverse economic and financial situation prevailing in the community, I think it is only appropriate that the petitioner is permitted to pay the overdue amounts in 15 equated monthly installments. Accordingly, I do so and the petitioner is permitted to pay the 1st installment on 15.3.2023 and the balance installments on the corresponding date of the succeeding months. If anyone of the installment is defaulted by the petitioner, the respondents will be at liberty to proceed in accordance with law and recover the amount in lump.

Writ petition is disposed of accordingly.