

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Before

THE HON'BLE MR. JUSTICE SHAJI P. CHALY

&

THE HON'BLE MRS. JUSTICE M.R. ANITHA

Friday, the 8th day of May, 2020/18th Vaisakha, 1942

W.A. No. 641 of 2020

APPELLANT/PETITIONER:

Saraswathy Gopi
Aged 53 years, W/o Gopi,
Vellappallil,
Erezha South, Chettikulangara P.O.,
Mavelikkara, Alappuzha District
PIN- 690 104.

By. Adv.Sri M.V.Thamban

Adv.Sri R.Reji
Adv.Smt.Thara Thamban
Adv.Sri B.Bipin
Adv.Sri.Arun Bose
Adv.Smt. Reni James

RESPONDENTS /RESPONDENTS

1. The District Collector,
Alappuzha, Alapuzha District, PIN -688 001
2. The Special Deputy Tahsildhar (Revenue Recovery),
K.S.F.E Limited,
ACJ Mansion Building,
Near Kannan Varkey Bridge,
Seaview Ward, Alappuzha, Alapuzha District, PIN – 690 101

3. The Village Officer,
Perungala Village Office,
Perungala (PO), Mavelikkara,
Alappuzha District, PIN -690 104

4. Kerala State Financial Enterprises Ltd,
Registered Office at ` Bhadratha`,
Museum Road, Thirssur, PIN- 680 020,
Represented by its Managing Director.

5. The Manager,
Kerala State Financial Enterprises Ltd,
Mavelikara Main Branch,
Mavelikara (PO), Alapuzha District, PIN-690 104.

Adv. Sri. Bimal K. Nath

Sri. P.C. Anil Kumar, Standing Counsel

This Writ appeal having come up for orders on 08.05.2020,
the court on the same day passed the following:

SHAJI P. CHALY & M.R. ANITHA, JJ.

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W.A No.641 of 2020

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Dated this the 8th day of May, 2020

JUDGMENT

SHAJI P. CHALY, J

This writ petition is filed by the petitioner in W.P.(C) No. 4787 of 2020 challenging the judgment dated 19.02.2020. The subject issue relates to the non-payment of the loan availed by the appellant from the 5th respondent i.e., the Kerala State Financial Enterprises. Consequent to the default on the part of the appellant, action was initiated by the KSFE resorting to the provisions of the Kerala Revenue Recovery Act.

2. When the writ petition was taken up for admission, learned counsel for the appellant submitted that the entire outstanding overdue amount would be paid within three months. Accordingly, the writ petition was disposed of directing the KSFE to regularise the loan account, if the appellant is making payment of the overdue amount within three months and failing

which the respondents were granted liberty to proceed with the revenue recovery. Therefore, it can be seen that the writ petition was disposed of on the basis of the submission made by the writ petitioner herself that she requires only three months' time for making the overdue payment to the KSFE. In fact, no grounds are made out by the appellant to sustain an appeal under Section 5 of the Kerala High Court Act. However, learned counsel for the appellant submitted that due to the present precarious situation of the pandemic Covid-19, amounts could not be raised by the appellant as is expected by the appellant and therefore, she seeks time for making payment as is directed by the learned single Judge.

3. We have heard learned counsel for the appellant, the learned Standing Counsel for KSFE and the learned Government Pleader, and perused the pleadings and documents on record.

4. Taking into account the fact that there are adverse financial circumstances prevailing in the community due to the pandemic, Covid -19, it is only appropriate that time is extended reasonably in order to make payment, however, on condition.

Learned counsel for KSFE also agreed to the proposal so put forth. Therefore, the appellant is directed to remit 50% of the overdue amount due to the KSFE within six weeks from today and the balance within two months thereafter. It is made clear that if the appellant is making payment directly to KSFE, recovery charges shall be confined to 1% of the outstanding overdue amount. In all other respects, the conditions imposed by the learned single Judge would remain intact.

This writ appeal is disposed of as above.

SHAJI P. CHALY, JUDGE.

M.R. ANITHA, JUDGE.

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APPENDIX

APPELLANTS' EXHIBITS:

Exhibit P1:- True copy of the passbook issued by the 5th respondent in respect of the loan account of the petitioner.

Exhibit P2:- True copy of the chitty passbook issued to the petitioner.

Exhibit P3:- True copy of the revenue recovery notice No. SDT/RR/ALP/9379/19-20 dated nil issued under section 34 of the Kerala Revenue Recovery Act.

Exhibit P4:- true copy of the revenue recovery notice No. RRC : 2018/12657/04 dated 17.01.2020 issued by the 2nd respondent under section 7 of the Kerala Revenue Recovery Act.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

PS to Judge.