

Kerala High Court

Sivadasan vs The Kerala Financial Corporation on 4 August, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 13692 of 2008(E)

1. SIVADASAN, SREE MURUGA CASHEW FACTORY,
... Petitioner

Vs

1. THE KERALA FINANCIAL CORPORATION
... Respondent

2. THE CHIEF MANAGER, KERALA FINANCIAL

For Petitioner : SRI.T.M.CHANDRAN

For Respondent : SRI.A.A.ABUL HASSAN, SC, KFC

The Hon'ble MR. Justice S.SIRI JAGAN

Dated : 04/08/2008

O R D E R

S. SIRI JAGAN, J.

W.P.(C)No. 13692 OF 2008

Dated this the 4th day of August, 2008

JUDGMENT

The petitioner approaches this Court seeking One Time Settlement facility in respect of the loan amount due from him to the Kerala Financial Corporation, who initiated coercive proceedings for recovery of the amounts due. The petitioner originally took the contention that he has found a purchaser for the property who is willing to pay much more than what the KFC would realize by a distress sale. Accordingly, he impleaded the 3rd respondent, who submitted before me that he is willing to pay an amount of Rs.63,26,500/- to the KFC on or before 31.7.2008 for the property. Accordingly, I passed the following interim order in this writ petition:

"There would be an interim direction to the additional 3rd respondent to pay an amount of Rs.63,26,500/- to the 1st respondent-Kerala Financial Corporation on or before 31.7.2008, which payment would be treated as settlement of the amounts payable by the petitioner to the Financial Corporation under the OTS Scheme. The question of payment of collection charges would be decided later. For that purpose, the petitioner would implead the State also as respondent in the writ petition. However, interest at the rate of 10.5 per cent would also be paid till the date of payment from today".

Thereafter, the same has been adjourned from time to time and ultimately I directed that this case be posted to today so that the 3rd respondent can pay the amount on or before 31.7.2008. Today, the petitioner submits that unless the dispute is finally settled, the 3rd respondent is not willing to pay the money. The petitioner seeks six more months time.

I am satisfied that this is only a ploy for protracting the sale further. Therefore, I am not inclined to give any further indulgence to the petitioner since admittedly amounts are due from the petitioner to the KFC in repayment of loan amounts taken by him.

Accordingly, the writ petition is dismissed.

S. SIRI JAGAN, JUDGE Ad