

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.BHAVADASAN**

**WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936**

**OP(C).No. 487 of 2015 (O)**  
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**OS.NO. 66/2010 OF SUB COURT, CHENGANNUR**  
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**PETITIONER :**  
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**MANOJ P. JOHN  
S/O. PERUMAL, KALEECKAL PADICKAL GRACE BHAVAN  
ANGADICKAL MURI, CHENGANNUR VILLAGE  
CHENGANNUR TALUK.**

**BY ADV. SRI.O.D.SIVADAS**

**RESPONDENT :**  
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**INDIAN OVERSEAS BANK  
CHENGANNUR BRANCH, CHENGANNUR  
REPRESENTED BY ITS BRANCH MANAGER- 689 121.**

**BY ADVS. SRI.SUNIL SHANKAR, SC  
SRI.K.P.SUJESH KUMAR**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 25-02-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**Mn**

**...2/-**

**APPENDIX**

**PETITIONER'S EXHIBITS :**

- EXT.P1 : COPY OF THE PLAINT IN OS 66/2010 ON THE FILE OF THE SUB COURT, CHENGANNUR.
- EXT.P2 COPY OF EP NO. 56/11 DATED 2.7.2011 FILED BY THE DECREE HOLDER.
- EXT.P3 COPY OF THE ORDER DATED 27.6.2012 ISSUED BY THE SUB COURT, CHENGANNUR.
- EXT.P4 COPY OF E.A. NO. 37/2011 FILED BY THE JUDGMENT DEBTOR.
- EXT.P5 COPY OF EA NO. 38/2011 FILED BY THE JUDGMENT DEBTOR.
- EXT.P6 COPY OF THE COMMON ORDER DATED 16-10-2014 PASSED BY THE SUB COURT, CHENGANNUR.

**RESPONDENT'S EXHIBITS : \_\_\_\_\_ NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

**P.BHAVADASAN, J.**

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**O.P.(C).No.487 of 2015**  
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**Dated this the 25<sup>th</sup> day of February, 2015**

**JUDGMENT**

Under challenge is the issuance of a warrant of arrest for non payment of decree debt. When the matter was taken up for hearing, the petitioner pointed out that, he is willing to discharge the decree debt provided he has been given some time and instalment facility.

2. It is interesting to note that there is an observation by the court below that the petitioner had expressed his readiness and willingness to pay the amount within one week. Whatever that be, now the petitioner says that he is in financial difficulties and his prayer needs to be considered sympathetically.

3. Strong objection is taken to the prayer made by the learned counsel appearing for the Bank who points out that as on date, the decree debt is over ₹ 5 lakhs.

4. Whatever that be, it is only proper that the petitioner, who has expressed his readiness and willingness to discharge the

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decree debt, be given an opportunity to pay the amount in instalments in the interest of justice. Therefore this original petition is disposed of as follows:

The petitioner shall deposit a sum of ₹ 1 lakh on or before 31.03.2015 and thereafter the balance decree debt in 8 equal monthly instalments; each instalment shall be paid on or before 15<sup>th</sup> of every succeeding month. If any one of the instalments is defaulted, the warrant will be given effect.

Sd/-

**P.BHAVADASAN,  
JUDGE.**

rkc.