

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYASHTA, 1937

OP(C).No. 1164 of 2015 (O)

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E.P. NO.247/2011 IN O.S. NO.317/2010 OF I ADDITIONAL SUB COURT, KOZHIKODE
DATED 11/06/2013.
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PETITIONER/1ST DEFENDANT:

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LALU A.V., AGED 47 YEARS,
S/O.KRISHAN A.V., PROPRIETOR,
"AMRITHASAI COMPUTER PHOTOSTAT",
CHERUVANNUR, FEROKE P.O., CALICUT,
RESIDING AT AMRITHASAIKRIPA HOUSE,
THRIKKAYANPARAMBA, FEROKE P.O.,
FEROKE AMSOM DESOM, CALICUT- 673 631.**

BY ADV. SRI.NIRMAL. S.

RESPONDENTS/PLAINTIFF:

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- 1. STATE BANK OF TRAVANCORE,
FEROKE BRANCH, REP. BY ITS CHIEF MANAGER,
STRESSED ASSETS RESOLUTION CENTRE,
STATE BANK OF TRAVANCORE, KOZHIKODE.**
 - 2. MOHANAN K., AGE NOT KNOWN,
S/O.BHASKARAN K., KANDI HOUSE,
KOLATHARA P.O., CHERUVANNUR,
CHERUVANUR AMSOM DESOM, CALICUT-673 655.**
 - 3. ABDUL KHADER M., AGE NOT KNOWN,
S/O.YOOSAF, SABNA MANZIL,
HERMAN MASTER ROAD, NEAR CSI CHURCH,
CHERUVANNUR, FEROKE P.O.,
FEROKE AMSOM DESOM, CALICUT.**

**R1 BY SRI.T.SETHUMADHAVAN, SENIOR SC,
ADV. SRI.K.JAYESH MOHANKUMAR.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

OP(C).No. 1164 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

P1 - TRUE COPY OF THE JUDGMENT IN OP(C) 4032/2013 DATED 28.01.2014.

P2 - TRUE COPY OF THE RECEIPTS ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(C) No.1164 of 2015
.....

Dated this the 2nd day of June, 2015

J U D G M E N T

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Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Both the learned counsel submit that the petitioner has approached the bank in person and made a request by detailing his disability to make the payments of the whole amount covered by the decree. It seems that the bank has taken a compassionate view in the matter and has limited the claim to an amount of ₹1,50,000/-, provided the same is paid in eight equal monthly instalments commencing from 27.06.2015 onwards. In case of default of any of the instalments, the bank will have the liberty to proceed with the recovery of the entire claim covered by the decree.

In the result, this OP(Civil) is disposed of by permitting

the petitioner to pay the amount of ₹1,50,000/- in eight equal monthly instalments commencing from 27.06.2015 onwards, in full and final discharge of the decree. In case of default of any of the instalments, the bank will have the liberty to proceed with the recovery of the entire claim.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/02/06

// True Copy //

PA to Judge