

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

OP(C).No. 3024 of 2014 (O)

(OS 96/1998 of ADDL.SUB COURT, NORTH PARAVUR)

PETITIONER:

SOJAN, AGED 56 YEARS,
S/O.RAPHEAL, THEKKANATH PANDARAVALLAPIL
KANDASAMKADAVU P.O., KARAKKAMUKU VILLAGE
THRISSUR TALUK, THRISSUR DISTRICT.

BY ADVS.SRI. VARGHESE C. KURIAKOSE
SRI.P.V.VARGHESE (KANJIRAMATTOM)
SRI.VINCENT RAPHAEL

RESPONDENTS:

1. FEDERAL BANK LTD
ALUVA, REP.BY ITS BRANCH MANAGER, ANGAMALY BRANCH
683572.
2. M/S.PARAKKA JEWELLERS
A REGISTERED PARTNERSHIP FIRM
REP.BY MANAGING PARTNER, 683572.
3. SABU.S.PARAKKAL, AGED 44 YEARS
S/O.P.Y.SCARIA, PARAKKAL JEWELLERS, PARAKKA HOUSE
KANJOOR, 683575.
4. JOSHY SCARIA
S/O.P.Y.SCARIA, PARAKKA JEWELLERS, PARAKKA HOUSE
KANJOOR, 683575.
5. CICIY @ SEENA
D/O.LATE SCARIA, PARAKKA HOUSE, KANJOOR
683575.
6. THRESSIA @ SHEEJA
D/O.LATE SCARIA, PARAKKA HOUSE, KANJOOR
683575.

R1 BY ADV. SRI.K.NARAYANAN (PARUR)
R1 BY ADV. SRI.DEEPAK JOY.K.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 24-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 3024 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE PHOTOSTAT COPY OF E.A.NO.136/2011 IN O.S.NO.96/98
ON THE FILE OF ADDITIONAL SUB COURT, NORTH PARAVUR.

EXHIBIT-P2: TRUE PHOTOSTAT COPY OF E.A.NO.862/2014 IN O.S.NO.96/98
ON THE FILES OF ADDITIONAL SUB COURT, NORTH PARAVUR.

EXHIBIT-P3: TRUE PHOTOSTAT COPY OF COUNTER AFFIDAVIT IN
O.S.NO.96/98 ON THE FILES OF ADDITIONA SUB COURT,
NORTH PARAVUR.

EXHIBIT-P4: TRUE PHOTOSTAT COPY OF TYPE WRITTEN ORDER DATED
11.12.2014 E.A.NO.862/2014 IN E.P.NO.23/2009 IN
O.S.NO.96/98 ON THE FILES OF ADDITIONAL SUB COURT,
NORTH PARAVUR.

EXHIBIT-P5: TRUE PHOTOSTAT COPY OF CLAIM PETITION AS
E.A.NO.890/2014 IN O.S.NO.96/98 ON THE FILES OF
ADDITIONAL SUB COURT, NORTH PARAVUR.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.3024 OF 2014

Dated this the 24th day of February, 2015.

J U D G M E N T

After having heard the learned counsel on both sides, this Court suggested that in settlement of the entire decree amount, a sum of Rs.7.25 lakhs shall be paid by the petitioner herein to the Bank concerned.

2. Sri.Varghese C.Kuriakose, learned counsel appearing for the petitioner prays time till 31.12.2015 to discharge the debt to which Sri.K.Narayanan, learned counsel appearing for the Bank is not agreeable. It is pointed out by the learned counsel appearing for the Bank that the time sought for by the petitioner is a long period and interest that accrues during that period has also to be considered.

3. There seems to some substance in the contention raised by the learned counsel appearing for the Bank.

4. After having given anxious consideration to various aspects, it is felt that the petitioner be allowed to pay the amount

in two equal instalments.

The petitioner is allowed to pay Rs.7.25 lakhs in two equal instalments, first of which shall be paid on or before 31.05.2015 and the balance amount shall be paid on or before 30.09.2015. If any default is committed by the petitioner, the Bank will be entitled to proceed with the execution against the movable properties as well as immovable properties.

This original petition is disposed of as above.

Sd/-

**P.BHAVADASAN
JUDGE**

smp