

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

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

R.P.No.26 of 2015

(AGAINST THE JUDGMENT IN WP(C) NO.26807/2014 DATED 07-11-2014).

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REVIEW PETITIONER/PETITIONER:

**K.D.MATHEW,AGED 50 YEARS,S/O.DEVASSIA,
KOTTARATHIL HOUSE,ST.JUDE NAGAR,
KILIYANTHARA P.O.,VALLITHODE,KANNUR DISTRICT-670706.**

**BY ADVS.SRI.C.KHALID
SRI.C.P.PEETHAMBARAN
SRI.N.A.JOSEPH
SRI.K.P.MOHAMED SHAFI
SRI.P.S.HARIDAS MENON
SRI.K.REEHA KHADER
SMT.K.K.NESNA**

RESPONDENTS/RESPONDENTS:

- 1. THE CHIEF MANAGER/AUTHORISED OFFICER,
THE FEDERAL BANK LTD.,LOGEN'S ROAD,
THALASSERY-670101.**
- 2. THE GENERAL MANAGER,FEDERAL BANK LIMITED,
REGISTERED OFFICE AT ALUVA,
ERNAKULAM DSITRICT-683101.**

BY SRI.MOHAN JACOB GEORGE

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

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APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE NO.1:THE COPY OF THE POSSESSION NOTICE DATED 10.7.2014.

**ANNEXURE NO.2:THE COPY OF THE NOTICE ISSUED BY THE ADVOCATE
COMMISSIONER DATED 30.9.2014.**

**ANNEXURE NO.3:THE CERTIFIED COPY OF THE JUDGMENT IN WP(C) 26807/2014
DATED 7.11.2014.**

**ANNEXURE NO.4:THE COPY OF THE GOLD LOAN PLEDGE TOKEN BEARING
NO.G.3234260 DATED 4.12.2014.**

**ANNEXURE NO.4(A):THE COPY OF THE GOLD OAN PLEDGE TOKEN BEARING
NO.G.3234261 DATED 4.12.2014.**

ANNEXURE NO.5:THE COPY OF THE LOAN PAYMENT RECEIPT DATED 3.12.2014.

**ANNEXURE NO.5(A):THE COPY OF THE LOAN PAYMENT RECEIPT
DATED 4.12.2014.**

**ANNEXURE NO.6:THE COPY OF THE COMMUNICATION TO THE GENERAL
MANAGER, FEDERAL BANK DATED 16.12.2014 WITHOUT
DOCUMENTS.**

**ANNEXURE NO.7:THE COPY OF THE REPLY ISSUED BY FEDERAL BANK
DATED 30.12.2014.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON J.

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R.P. No. 26 of 2015

in

W.P.(C) No. 26807 of 2014

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Dated, this the 24th day of February, 2015

ORDER

The writ petition filed by the review petitioner was disposed of, as per the judgment dated 07.11.2014, whereby the petitioner was set at liberty to clear the entire outstanding liability by way of 'ten' equal monthly installments, beginning from 30.11.2014. It is stated that a sum of Rs. 3,00,000/- was satisfied by the petitioner in December 2014. But by virtue of some unforeseen circumstances, the payment could not be effected thereafter. It is stated that the petitioner has already pledged all the gold ornaments with the respondent Bank and steps are being taken to wipe off the entire liability so as to save the property concerned.

2. The learned counsel for the review petitioner submits that the default was never wilful, but because of some reasons beyond the control and that earnest efforts are being taken by the review petitioner in this regard. The prayer is only to reschedule the repayments, assuring and undertaking that such payments will be effected without fail.

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3. Heard the learned counsel for the respondent Bank as well.

4. After hearing both the sides and also considering the particular facts and circumstances, it is ordered that the outstanding liability shall be cleared by way of **'five equal bimonthly installments'**; the first of which shall be effected **within one month from today**; followed by similar installments to be effected on or before the **7th of May, 2015; 7th of July, 2015; 7th of September, 2015** and **7th of November, 2015**. It is made clear that the default clause incorporated in the judgment dated 07.11.2014 will continue to govern the field. It is also made clear that no further extension of time will be granted under any circumstances.

The Review Petition is disposed of.

Sd/-

P. R. RAMACHANDRA MENON,
(JUDGE)

kmd