IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

RP.No. 134 of 2015 (K) IN WP(C).11108/2014

IN WP(C) 11108/2014 of HIGH COURT OF KERALA

REVIEW PETITIONER(S)/PETITIONER:

M.M. KALIRAJAN,
AGED 56 YEARS, S/O.M.M NADAR,
SOORYA BHAVAN HOUSE, NIRMALAGIRI POST,
KUTHUPARAMBA, THALASSERY TALUK,
KANNUR DISTRICT,
KERALA.

BY ADVS.SRI.C.KHALID
SRI.N.A.JOSEPH
SRI.K.P.MOHAMED SHAFI
SMT.K.S.HASEENA
SRI.PHIJO PRADEESH PHILIP
SRI.K.REEHA KHADER
SMT.K.K.NESNA.

RESPONDENT(S)/RESPONDENTS:
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1. KERALA GRAMIN BANK,
MALAPPURAM, REPRESENTED BY THE REGIONAL MANAGER,
THALASSERY BRANCH, KANNUR DISTRICT - 670 001.

2. MANAGER,
GRAMIN BANK, THALASSERY BRANCH,
KANNUR DISTRICT - 670 001.

BY SRI.DEVAN RAMACHANDRAN, SC, KERALA GRAMIN BANK.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 03-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE 1- TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE AUTHORIZED OFFICER BEFORE CHIEF JUDICIAL MAGISTRATE, THALASSERY ON 20/10/2014.

ANNEXURE 2- TRUE COPY OF THE ORDER PASSED BY THE CHIEF JUDICIAL MAGISTRATE, THALASSERY IN CMP NO.990/14 ON 31/12/2014.

ANNEXURE 3- TRUE COPY OF THE JUDGMENT IN WP(C) NO.2509/2015 DATED 23/01/2015 OF HON'BLE HIGH COURT OF KERALA.

RESPONDENT(S)' ANNEXURES :

ANNEXURE R1(A)- TRUE COPY OF THE STATEMENT OF ACCOUNTS.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.
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R.P.No.134 of 2015 in
W.P.(C) No.11108 of 2014
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Dated this the 3rd day of March, 2015

O R D E R

The review was necessitated only by reason of the mistake committed by the Bank in specifying the amounts paid, as per the instalments directed in the judgment. The Bank obviously committed a mistake insofar as directing the petitioner to pay Rs.17,000/- per month. The petitioner also paid two instalments of the same. Then, the Bank realised the mistake committed while computing the amounts and informed the petitioner that more amounts are to be paid. Hence, the instalments were not paid as per the directions in the aforesaid judgment.

2. In any event, now the respondent Bank has filed a statement, in which it indicated that as of now, the defaulted amounts come to Rs.1,46,757/- as on 06.02.2015. The total dues are said to be Rs.5,17,334/- with future interest. In such circumstance, the petitioner shall pay the equated monthly instalments and also Rs.25,000/- per

month, to enable the default be cleared within a period of six months. If the petitioner pays the regular EMIs as also Rs.25,000/- for the first six months then the account shall be regularised and the petitioner permitted to re-pay the loan in accordance with the terms of the agreement, by paying the regular EMIs.

3. The Bank shall also issue a statement of interest, on the defaulted amounts, after the first six instalments are paid, which would be satisfied by the petitioner as the 7th instalment. On two consecutive defaults of any of the aforesaid amounts, the Bank shall be entitled to proceed for recovery. The first instalment shall commence on or before 30.03.2015 and shall be followed up on the 30th of every succeeding months.

The judgment is recalled, review petition stands allowed and the writ petition is disposed of on the above terms.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB // true copy //

P.A to Judge