IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

RP.No. 150 of 2015 () IN WP(C).13308/2014

JUDGMENT IN WP(C) 13308/2014 of HIGH COURT OF KERALA DATED 9.7.2014

REVIEW PETITIONER/PETITIONER:

SALEEM HASSAINAR @ SALI, AGED 38 YEARS
S/O HASSAINAR, VANNERIVALAPPIL HOUSE, MUTTITHADI.P.O
KAVALLUR, THRISSUR-682317.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENTS:

1. AUTHORIZED OFFICER,
THE FEDERAL BANK LTD, 380/6/IX, TB ROAD
ST NAGAR, THRISSUR-688001.

2. THE BRANCH MANAGER,
THE FEDERAL BANK LTD, MANNAMPETTA BRANCH
THRISSUR-688001.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RP.No. 150 of 2015

APPENDIX

PETITIONER's ANNEXURES:

ANNEXURE A1 : TRUE COPY OF JUDGMENT DATED 9.7.2014 IN W.P.(C) NO.13308/2014

ANNEXURE A2 : TRUE COPY OF RECEIPT ISSUED BY 2ND RESPONDENT.

ANNEXURE A3 : TRUE COPY OF JUDGMENT IN W.P.(C) NO.26822/2014 DATED 10.12.2014.

ANNEXURE A4 : TRUE COPY OF NOTICE DATED 5.2.15 ISSUED BY ADVOCATE COMMISSIONER.

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY// P.A TO JUDGE

smv

K. VINOD CHANDRAN, J.

R.P. No.150 of 2015
in
W.P.(C) No.13308 of 2014
--
Dated this the 2nd day of March, 2015

O R D E R

The petitioner has filed the above review petition to review the judgment of this court on 09.07.2014. In fact there is nothing to be reviewed since the petitioner had merely sought for withdrawal of the writ petition which was allowed.

2. The learned counsel for the petitioner contends that the said withdrawal was made only for reason of an interim order granted by this Court having not been complied with. The petitioner contends that though a deposit of Rs.1,00,000/- directed to be made was not complied with, at the time of withdrawal, subsequently the petitioner has paid around Rs.3,00,000/-.

3. The learned counsel appearing for the bank submits that there are two loans; one housing loan and the other a personal loan availed respectively, on 18.10.2011 and 24.09.2012, both having a duration of repayment of 15 years. There is a total

arrears of Rs.33,58,724/-pending as on today. It is also submitted that the defaulted arrears would come to Rs.6,14,869/- as on February, 2015. In such circumstances, if the said defaulted arrears being Rs.6,14,869/- along with the regular equated monthly instalments in both the loans, for March, 2015 is paid on or before 31.3.2015, the petitioner shall be permitted to regularise the loan amount. The further recovery shall depend upon the agreement between the parties. However, if such amounts are not deposited, the respondent bank shall proceed with the recovery which according to the respondent bank is now at the stage of symbolic possession taken of the property mortgaged.

Review petition allowed. Judgment re-called and the writ petition is disposed of with the above directions.

Sd/-
K. VINOD CHANDRAN,
JUDGE

//true copy// P.A. To Judge

smv