

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

RP.No. 631 of 2015 ()

AGAINST THE JUDGMENT IN WP(C).NO.13538/2014 DATED 29-05-2014.

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REVIEW PETITIONER/PETITIONER:

**SAKKARIYA, S/O.MOHAMMED, AGED 49 YEARS
THANDALAM VALAPPIL HOUSE, KOOTTAYI POST,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL.

RESPONDENTS/RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE FISHERIES DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. KERALA STATE FISHERMEN DEBT RELIEF COMMISSION,
NALANDA ROAD, NANTHANKODE, THIRUVANANTHAPURAM,
PIN - 695 003, REPRESENTED BY ITS SECRETARY.**
- 3. MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, P.B.NO.8, MALAPPURAM, PIN - 676 505,
REPRESENTED BY ITS GENERAL MANAGER.**
- 4. THE MANAGER,
MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
TIRUR BRANCH, POST TIRUR, MALAPPURAM DISTRICT- 676 101.**
- 5. THE AUTHORIZED OFFICER,
MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, P.B.NO.8, MALAPPURAM, PIN -676 505.**

**R1 BY GOVT. PLEADER SRI.MANOJ P.KUNJACHAN.
BY ADV. SRI.ESM.KABEER.**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1 COPY OF THE JUDGMENT DATED 29/05/2014 IN WP(C).NO.13538/2014 OF THIS HON'BLE COURT.
- ANNEXURE A2 COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT DATED 28/06/2014.
- ANNEXURE A3 COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT DATED 08/08/2014.
- ANNEXURE A4 COPY OF THE FIR IN CRIME NO.904/2014 OF TIRUR POLICE STATION DATED 14/06/2014.
- ANNEXURE A5 COPY OF THE MEMORANDUM ISSUED BY JFCM, COURT, TIRUR RELATING THE BOAT TO PETITIONER DATED 24/10/2014.
- ANNEXURE A6 COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 07/05/2015.
- ANNEXURE A7 COPY OF THE JUDGMENT DATED 21/05/2015 IN WP(C).NO.14915/2015 OF THIS HON'BLE COURT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

R.P. No.631 of 2015

In

W.P(C). No.13538 of 2014

Dated this the 21st day of July, 2015.

ORDER

The petitioner alleges that he was not able to comply with the instalments granted as per Annexure A1. The petitioner was also not successful in the proceedings for debt waiver. The petitioner, though was granted ten monthly instalments starting from 30.06.2014, admittedly only two instalments were paid. The petitioner came before this Court with a further writ petition as WP(C) No.14915 of 2015, where again, the dispossession of the petitioner was stayed for a period of two months to work out his alternate remedy.

2. The petitioner by the present Review Petition, would contend that at the instance, this Court merely confined the relief to interdiction of dispossession by two months, since the

judgment under review had specifically granted instalment, which the petitioner did not comply with. That is only correct and proper and no review can be allowed for reason only of the petitioner's default.

Considering the long delay, this Court is not inclined to grant any further instalments, especially since the petitioner has not complied with the judgment, which granted liberal instalments to the petitioner. However, since the learned counsel for the petitioner submits that the entire amounts due in the loan will be cleared within two months, the petitioner's dispossession shall be stayed again for a period of two months from today, however on condition that half of the amounts shall be paid on or before 21.08.2015 and the other half before 21.09.2015.

The review petition would stand closed with the above rider.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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