

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

W.No. 1916 of 2013 IN WP(C).28309/2013

AGAINST THE JUDGMENT IN WP(C) 28309/2013 of HIGH COURT OF KERALA DATED 22-11-2013

APPELLANTS/RESPONDENTS:

1. PUNJAB NATIONAL BANK
HANTEK BUILDINGS, RAILWAY STATION ROAD
THIRUVANANTHAPURAM 695 001.
2. AUTHORISED OFFICER & REGIONAL MANAGER,
PUNJAB NATIONAL BANK, STATUE JUNCTION
THIRUVANANTHAPURAM 695 001

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENT/PETITIONER:

SIMILIYA, W/O.SAHARUDEEN, AGED 51 YEARS
ZAKKIR MANCIL, KAPPIL PO, EDAVA.695 311

R BY SRI.S.SACHITHANANDA PAI

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 29-05-2015 ALONG
WITH W.A.1898/13, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal Nos.1916 & 1898 of 2013

Dated this the 29th day of May, 2015

JUDGMENT

Antony Dominic, J.

These appeals are filed by the Punjab National Bank and its officers who are aggrieved by the judgments of the learned Single Judge who disposed of Writ Petition Nos.26786/13 and 28309/13, which are dated 5.11.2013 and 22.11.2013 respectively.

2. In the writ petitions filed by the respondents herein, they challenged the SARFAESI proceedings initiated by the appellants, they being defaulters of the loans availed from the appellant bank. Without going into the merits, the learned Judge disposed of the writ petitions allowing instalment facilities to liquidate the liability. In so far as Writ Petition No.26786/13 is concerned, the amount due was ordered to be repaid in ten equal instalments starting from 1.1.2014. Similarly, in Writ Petition No.28309/13, the amount due was ordered to be paid in four equal monthly instalments from 1.1.2014. This, therefore, shows that by now either the liability is liquidated or the respondents are still

defaulters, in which case the bank is at liberty to take action in accordance with law for realisation of its dues.

In such circumstances, it is not necessary for us to adjudicate the merits of the contentions and the writ appeals are disposed of taking note of the above.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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