

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WA.No. 171 of 2015

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AGAINST THE JUDGMENT DATED 13.1.2015 IN WP(C) 1203/2015 OF THIS
HONOURABLE COURT.
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APPELLANT(S)/RESPONDENT NOS.2,3 & 4:

- 1. THE STATE BANK OF TRAVANCORE,
HEAD OFFICE, P.B.NO.34, POOJAPURA,
THIRUVANANTHAPURAM-695012,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. AUTHORIZED OFFICER/BRANCH MANAGER,
STATE BANK OF TRAVANCORE, VARAPUZHA BRANCH,
VITHAYATHIL BUILDING, SNBP JUNCTION,
VARAPUZHA (PO), ERNAKULAM-683517.**
- 3. AUTHORISED OFFICER,
STATE BANK OF TRAVANCORE, REGION-1,
ZONAL OFFICE, PANAMPILLY NAGAR,
ERNAKULAM-682020.**

**BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW**

RESPONDENT(S)/PETITIONER & RESPONDENT NO.1:

- 1. SAM RAPHAEL, AGED 25 YEARS,
SON OF MR.RAPHEAL U.X.,
UZHUNUMAKATTIL HOUSE,
CHENGOTHUKUNNU ROAD, KONGORPILLY (PO),
ERNAKULAM DISTRICT, PIN 683 525.**
- 2. UNION OF INDIA, MINISTRY OF FINANCE,
DEPARTMENT OF FINANCIAL SERVICES,
3RD FLOOR, JEEVAN DEEP BUILDING,
SANSAD MARG, NEW DELHI, PIN - 110001,
REPRESENTED BY ITS FINANCE SECRETARY.**

**R1 BY ADV. SRI.SHAJI CHIRAYATH
R2 BY SRI.N.NAGARESH, A S G**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

W.A. No.171 OF 2015

Dated this the 29th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard the learned counsel for the appellant.

2. This writ appeal has been filed against the judgment dated 13.01.2015 passed in W.P.(C) No.1203 of 2015. The 1st respondent in the appeal was the petitioner, who had availed an education loan from the Respondent Bank in 2010. When default was committed, proceedings under the 'SARFAESI Act' were initiated. The petitioner filed a writ petition, where he had accepted the liability and was ready to repay the loan, provided he is given some reasonable time to pay all outstanding amounts. The learned Single Judge by judgment dated 13.01.2015 disposed of the writ petition, directing the petitioner to pay the outstanding instalments in eight equal and successive monthly instalments commencing from 15.02.2015, along with regular instalments, and in the event of default, the Bank was permitted to proceed with the

recovery of loan. The counsel for the appellant submitted that eight instalments have been granted only for the purpose of regularization of the loan and the entire loan has not been directed to be paid. If that be so, the learned single judge ought to have exercised his discretion in disposing of the writ petition permitting the petitioner to clear off the entire outstanding loan.

3. The loan being an educational loan, we are of the view that there is no error in exercise of discretion and the petitioner had accepted the liability and prayed time for clearing the outstanding instalments. The Bank have been given right to proceed if any default is committed. Hence, we do not intend to interfere with the judgment impugned.

The writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

//true copy//

P.S. To Judge

st/-