

**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. 175 of 2015**  
-----

**AGAINST THE JUDGMENT DATED 15.1.2015 IN WP(C) 1555/2015 OF THIS  
HONOURABLE COURT.**  
.....

**APPELLANT(S)/RESPONDENTS:**  
-----

- 1. THE STATE BANK OF TRAVANCORE,  
KAZHAKOOTTAM BRANCH, KAZHAKOOTTAM,  
THIRUVANANTHAPURAM - 695 001.**
- 2. THE AUTHORIZED OFFICER/CHIEF MANAGER,  
STATE BANK OF TRAVANCORE,  
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SATHISH NINAN  
SRI.SANTHOSH MATHEW  
SRI.ARUN THOMAS  
SRI.JENNIS STEPHEN**

**RESPONDENT(S)/PETITIONERS:**  
-----

- 1. BHADRAN N.A., PARTNER,  
M/S.ASIAN SPICES, SALMA MANZIL,  
KARICHARA, PALLIPURAM P.O.,  
THIRUVANANTHAPURAM - 695 001.**
- 2. RAMAKRISHNAN ACHARY,  
PULIVILAYIL VEEDU, KANNIMEL THERY,  
PATTZHAHI P.O., KOLLAM DISTRICT - 691 001.**

**BY ADV. SRI.M.TRIPTEN**

**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.175 OF 2015**  
-----

Dated this the 29<sup>th</sup> 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 15.01.2015 passed in W.P.(C) No.1555 of 2015. The respondents in the appeal were the petitioners in the writ petition. The first petitioner had availed business loans from the Respondent Bank, and the second petitioner, who stood as a guarantor and created equitable mortgage on their property. When default was committed, proceedings under the 'SARFAESI Act' were initiated. The petitioners filed a writ petition, where they had accepted the liability and was ready to repay the loan, provided they are given some reasonable time to pay all outstanding amounts. The learned Single Judge by judgment dated 15.01.2015 disposed of the writ petition, directing the petitioners to pay the outstanding dues in twelve equal and successive monthly instalments commencing from

15.02.2015 and in the event of default, the Bank was permitted to proceed with the recovery of loan. The counsel for the appellant submitted that twelve instalments is too much time under the circumstances and the petitioner was a chronic defaulter.

3. The learned single judge having exercised his discretion in disposing of the writ petition permitting the petitioners to clear off the entire outstanding loan, we are of the view that there is no error in exercise of discretion. The petitioners had accepted the liability and prayed time for clearing the outstanding instalments. The Bank have been given the right to proceed if any default is committed. Hence, we do not intend to interfere with the judgment.

The writ appeal is therefore dismissed.

Sd/-  
**ASHOK BHUSHAN,**  
**ACTING CHIEF JUSTICE.**

Sd/-  
**A.M. SHAFFIQUE,**  
**JUDGE.**

//true copy//

P.S. To Judge

st/-