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

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WA.No. 189 of 2015 IN WP(C).25665/2014

AGAINST THE JUDGMENT IN WP(C) 25665/2014 of HIGH COURT OF KERALA
DATED 30-10-2014

APPELLANT/PETITIONER:

RAJEEV KUMAR R., S/O. RADHAKRISHNAN,
RAJESH BHAVAN, GURU NAGAR - 79,
KALLUMTHAZHAM, KILLIKOLLUR, KOLLAM.

BY ADV. SRI.P.SIVARAJ

RESPONDENT/RESPONDENT:

KOLLAM CO-OPERATIVE URBAN BANK LTD, NO.960,
KOLLAM, REPRESENTED BY ITS GENERAL MANAGER 691 001.

BY ADVS.SRI.N.DHARMADAN (SR.)
SMT.D.P.RENU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JJJ

ASHOK BHUSHAN, Ag. C.J.
&
A.M. SHAFFIQUE, J

W.A. No. 189 of 2015

Dated this the 4th day of February, 2015

J U D G M E N T

Ashok Bhushan, Ag.C.J.

Heard the counsel for the appellant as well as the learned counsel appearing for the respondent - Bank.

2. This Writ Appeal has been filed against the judgment dated 30th October, 2014, in Writ Petition (C) No. 25665 of 2014, by which judgment the Writ Petition filed by the appellant was disposed of permitting him to clear the entire outstanding liability in ten equal monthly instalments, the first of which shall be paid on or before 30th November, 2014. This Writ Appeal has been filed against the said Judgment.

3. The learned counsel for the appellant submits that the loan was to be repaid by 2017 and further the appellant's father also died on 7th January, 2015, due to which he could not make the payment. He further submits that direction ought to have been issued only for payment of the overdue of the defaulted instalments.

4. We have considered the submissions of the learned counsel for the appellant and perused the records. Learned counsel for the Bank submits that even the outstanding defaulted instalments will come to more than ₹ 3 lakhs as on date.

5. Considering the facts and submissions made, we are of the view that justice will be served in modifying the direction to the effect that the appellant shall clear the entire overdue towards defaulted instalments within ten equal monthly instalments beginning from 1st April, 2015. It is made clear that along with the payment towards

defaulted instalments, the appellant shall continue to pay the regular instalments also. In any event, if default is committed by the appellant, it shall be open for the Bank to proceed further in accordance with law.

Subject to the above modification, this Writ Appeal is disposed of.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj