

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 MARCH 2015/13TH PHALGUNA, 1936

WA.No. 277 of 2015 IN WP(C).21051/2014

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AGAINST THE JUDGMENT IN WP(C) 21051/2014 DATED 21-08-2014

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APPELLANT/PETITIONER :

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DELIP PAUL AGED 44 YEARS  
S/O.ELVIN PAUL, MANNISERRY P.O., KANIAMPURAM  
OTTAPALAM, PALAKKAD DISTRICT-679102.

BY ADVS.SRI.PRAVEEN K. JOY  
SRI.T.A.JOY

RESPONDENTS/RESPONDENTS :

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1. AUTHORISED OFFICER, STATE BANK OF TRAVANCORE  
OTTAPALAM BRANCH, PALAKKAD DISTRICT-679 101.
2. STATE BANK OF TRAVANCORE  
OTTAPALAM BRANCH, PALAKKAD DISTRICT, 679 101  
REPRESENTED BY BRANCH MANAGER.

R1 & R2 BY ADV. SRI.T.SETHUMADHAVAN (SR.)  
SRI.PUSHPARAJAN KODOTH  
SRI.K.JAYESH MOHANKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04-03-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

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W.A. No. 277 OF 2015  
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Dated this the 4<sup>th</sup> day of March, 2015

**JUDGMENT**

**Ashok Bhushan, Ag.C.J.**

Heard learned counsel for the appellant and learned Standing Counsel appearing for the respondent Bank.

2. This Writ Appeal has been filed against the judgment passed by learned Single Judge dated 21.08.2014 disposing W.P.(C) No.21051 of 2014 filed by the appellant permitting him to clear the outstanding arrears as on date in 10 equal monthly instalments along with the current EMI.

3. Learned counsel for the appellant submits that in pursuance of the order of the Court, the appellant deposited about Rs.2 lakhs. Learned Standing Counsel for the Bank submits that the amount deposited by the appellant is insufficient to cover the existing EMI and monthly instalments which he was permitted to deposit. Learned counsel for the appellant submits that he is ready to deposit Rs.1 lakh further by 31.03.2015 and some more time is needed to clear the outstanding dues and current EMI.

4. From the facts of the present case we are of the opinion, interest of justice will be served in permitting the appellant to clear the entire outstanding dues along with current EMI by 30.06.2015.

5. As noted above, the appellant shall deposit Rs.1 lakh by 31.03.2015 and thereafter balance outstanding in three monthly instalments in the month of April, May and June, 2015. It goes without saying that the said amount shall also include the current EMI. In the event any default is committed, it will be open for the Bank to proceed with the recovery proceedings.

The Writ Appeal is disposed of as above.

**Ashok Bhushan,  
Acting Chief Justice.**

**A.M. Shaffique,  
Judge.**

WA.No. 277 of 2015

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