

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 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WA.No. 314 of 2015 () IN WP(C).1333/2015

-----  
AGAINST THE JUDGMENT IN WP(C) 1333/2015 of HIGH COURT OF KERALA  
DATED 21-01-2015  
-----

APPELLANT(S)/RESPONDENT :-  
-----

STATE BANK OF TRAVANCORE,  
(ASSOCIATE OF STATE BANK OF INDIA) HEAD OFFICE POOJAPPURA  
THIRUVANANTHAPURAM, REP. BY ITS AUTHORISED OFFICER.

BY ADV. SRI.R.S.KALKURA

RESPONDENT(S)/PETITIONER :-  
-----

K.N.GOPALAKRISHNAN,  
POOVATHUR HOUSE, NEDUVARANCODE P.O., CHERIYANADU  
CHENGANNUR, ALAPPUZHA - 689 506.

BY ADV.E.V.MOLY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11-02-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

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

-----  
**W.A. No.314 of 2015**  
-----

**Dated this the 11<sup>th</sup> day of February 2015**

**J U D G M E N T**

**Ashok Bhushan, Ag.CJ**

Heard the learned counsel for the appellant.

2. This writ appeal has been filed against the judgment dated 21.1.2015 passed in W.P.(C) No.1333 of 2015, by which, the learned Single Judge permitted the respondent herein, who was the writ petitioner to deposit the outstanding amount of loan in ten equal monthly instalments commencing from 15.2.2015.

3. Learned counsel for the appellant bank submits that the learned Single Judge ought to have directed to deposit substantial amount and further they have already published notice for auction of the property.

4. Be that as it may, the loan was taken as an education loan for pursuing Associate Degree in Applied Nursing at G.B.T. International Medical College, Georgia, Australia. The learned Single Judge has exercised his discretion in permitting the petitioner to deposit the loan amount in ten equally monthly instalments. In any event, any default is committed by the

-: 2 :-

petitioner, in the judgment itself it is clearly mentioned that the petitioner shall lose the benefit of the said judgment and the respondent will be free to continue the recovery proceedings. In the above view of the matter, we see no reason to entertain this writ appeal.

Hence, the Writ Appeal is closed.

**Sd/-**  
**ASHOK BHUSHAN**  
**Ag. CHIEF JUSTICE**

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

//TRUE COPY//

P.A. TO JUDGE

Jvt