

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WA.No. 396 of 2015 IN WP(C).19350/2014

AGAINST THE JUDGMENT IN WP(C) 19350/2014 DATED 04-02-2015

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APPELLANTS/PETITIONERS :

1. K.V.AUGUSTINE AGED 67 YEARS
S/O.K.A.VARGHESE, MANAGING PARTNER
M/S.KALLOOKARAN ENTERPRISES, KALLOOKARAN HOUSE
KIDANGOOR P.O.
2. SIJO JOSE, S/O.JOSE AGED 34 YEARS
NADEPALLY HOUSE, PARTNER, M/S.KALLOOKARAN ENTERPRISES
MANICKAMANGALAM, KALADY P.O.

BY ADV. SRI.BIJU GEORGE

RESPONDENT/RESPONDENT :

THE AUTHORISED OFFICER
STATE BANK OF INDIA, RASMECCC - ALUVA

R. BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R. BY ADV. SMT.S.AMBILY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 396 OF 2015

Dated this the 20th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the appellants and learned Standing Counsel for the Bank.

2. This Writ Appeal is filed against the order dated 04.02.2015 in I.A. No.1143 of 2014 in W.P.(C) No.19350 of 2014. The writ petition filed by the appellant was already disposed of by learned Single Judge vide judgment dated 12.08.2014 directing the petitioner to settle the entire loan amount in three equal monthly instalments along with the regular payment of EMIs.

3. Again an I.A. was filed by the appellant seeking extension of time. The application was adjourned to facilitate the payment of the entire arrears. Bank informed that there is a cash credit limit running with debit balance. Learned Single Judge disposed of the application by order dated 04.02.2015 permitting the petitioner to regularise the term loan on depositing the amount within one week. With regard to cash

credit loan, learned Single Judge permitted the Bank to proceed with the recovery.

The learned Single Judge has earlier granted indulgence to clear the entire amount which was not done. Therefore there is no error in refusing to invoke the discretionary power to grant any further time. If so advised, the petitioner shall approach the Bank for instalment facility or any other extension of time, if any. We do not find any error in the order passed by learned Single Judge calling for any interference in the appellate jurisdiction. The Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

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