

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

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WA.No. 420 of 2015 IN WP(C).2878/2015

AGAINST THE JUDGMENT IN WP(C) 2878/2015 DATED 29-01-2015

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APPELLANT/PETITIONER :

PRASANNA KRISHNAN, AGED 54 YEARS,
W/O.LATE GOPALAKRISHNAN, CHITHIRA,
VEEYAPURAM, ALAPPUZHA.

BY ADV. SRI.B.PRAMOD

RESPONDENTS/ RESPONDENTS :

1. THE AUTHORIZED OFFICER,
STATE BANK OF TRAVANCORE,
MELAPADOM BRANCH, ALAPPUZHA.
2. STATE BANK OF TRAVANCORE,
MELAPADOM BRANCH, ALAPPUZHA,
REP. BY ITS MANAGER.

BY SRI.R.S.KALKURA, SC, SBT

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 420 OF 2015

Dated this the 24th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the appellant.

2. This Writ Appeal has been filed against the judgment dated 29.01.2015 passed in W.P.(C) No.2878 of 2015 by which the writ petition filed by the appellant was dismissed. The appellant/petitioner has challenged the proceedings under the SARFAESI Act, 2002 by filing W.P.(c) No. 20976 of 2012. This Court vide its judgment dated 04.10.2012 disposed of the writ petition permitting the appellant to discharge the liability towards housing loan in six equal monthly instalments. The time allowed has run out and the appellant could not discharge the liability and the Bank proceeded to recover the amount. Then W.P.(C) No.2878 of 2015 has been filed which was dismissed by learned Single Judge with the observation that for seeking modification of condition of earlier judgment, it is open for the appellant to

take steps to review the judgment. We do not find any error in the judgment of learned Single Judge declining to interfere.

Learned counsel for the appellant submits that he is ready to clear the entire liability. We are of the opinion, it is for the Bank to consider such prayer of appellant. We do not find any error in the judgment of learned Single Judge. Accordingly, the Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

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