

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

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WA.No. 488 of 2015 IN WP(C).3804/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 3804/2015 of HIGH COURT OF KERALA
DATED 10-02-2015
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APPELLANTS/RESPONDENTS NOS.2 & 3 :

1. THE STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS REGIONAL MANAGER
THIRUVANANTHAPURAM.
2. THE AUTHORIZED OFFICER & CHIEF MANAGER,
STATE BANK OF TRAVANCORE, VARKALA BRANCH
VARKALA-695 141.

BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

RESPONDENTS/RESPONDENTS :

1. ASOKAN VASU, AGED 58 YEARS
S/O.VASU, DIRECTOR, M/S.MANGALATH HOTEL & RESORTS
CHADAYAMANGALAM, KOLLAM.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
TAXES DEPARTMENT, THIRUVANANTHAPURAM-695 001.
3. THE COMMERCIAL TAX OFFICER,
COMMERCIAL TAXES, ATTINGAL-695 101.

R1 BY ADV. SRI.T.M.ABDUL LATHEEF
R2 & R3 BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 488 OF 2015

Dated this the 2nd day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard Standing Counsel for the appellant/Bank as well as learned counsel appearing for the respondent.

2. This Writ Appeal has been filed against the judgment dated 10.02.2015 in W.P.(C) No.3804 of 2015. The respondent is a borrower of the Bank who made default in repayment of the amount. Accordingly, SARFAESI proceedings were initiated by the appellant Bank. The writ petition was filed challenging the said proceedings.

3. Before the learned Single Judge learned counsel for the respondent submitted that petitioner is ready to remit the balance amounts outstanding to the Bank. Learned Single Judge, by judgment dated 10.02.2015, disposed of the writ petition by permitting the petitioner to pay the entire outstanding amounts in 10 equal and successive monthly installments commencing from 01.03.2015 and continues to

keep up the regular installment payments as per the original loan schedule.

We do not find any error in the judgment of learned Single Judge in disposing the writ petition exercising the jurisdiction by giving an opportunity to the petitioner to clear off the outstanding amounts in installments. No grounds are made out to interfere with the judgment of learned Single Judge. Accordingly, the Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

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

WA No. 488 of 2015

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