

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 MARCH 2015/3RD CHAITHRA, 1937

WA.No. 636 of 2015 IN WP(C).6203/2015

**AGAINST THE JUDGMENT IN WP(C) 6203/2015 of HIGH COURT OF KERALA
DATED 26-02-2015**

APPELLANT/PETITIONER:

**KRISHNAN V
S/O.VASU, 'GAYATHRI NILAYAM', AYYAMKULAM
PUDUSSERY, KANJIKODE P.O.
PALAKKAD DISTRICT - 678 621.**

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS/RESPONDENTS:

- 1. MANAGING DIRECTOR
KERALA STATE CO-OPERATIVE BANK LTD, HEAD OFFICE
CO-OP. BANK TOWERS, PALAYAM
THIRUVANANTHAPURAM - 695 033.**
- 2. THE KERALA STATE CO-OPERATIVE BANK LTD
ERNAKULAM REGIONAL OFFICE, DORAISWAMY IYER ROAD
REPRESENTED BY THE REGIONAL MANAGER - 682 011.**
- 3. KERALA STATE CO-OPERATIVE BANK LTD
PALAKKAD BRANCH, NOORANI, PALAKKAD - 4
REPRESENTED BY ITS MANAGER - 678 004.**

BY SRI.GEORGE POONTHOTTAM, SC, KERALA STATE CO.OP BANK

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24-03-2015,
ALONG WITH WA. 637/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

JJJ

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

W.A. Nos. 636 & 637 of 2015

Dated this the 24th day of March, 2015

J U D G M E N T

Ashok Bhushan, Ag.C.J.

Writ Appeal No.637/2015 has been filed against the judgment dated 7.2.2014 passed by the learned Single Judge, by which order the learned Single Judge permitted the petitioner to clear the entire outstanding liability by way of six equal monthly instalments, the first of which was to be paid on or before 28.2.2014. The petitioner did not pay any amount and consequently, a fresh notification was issued by the Bank for sale of the mortgaged asset. The petitioner thereafter, rushed and filed Writ Petition(C) No.6203/2015, which was dismissed by the learned Single Judge holding that, the petitioner having not complied with the judgment of this Court in Writ Petition(C) No.6653/2010, the Writ

Petition cannot be entertained. We are of the view that the learned Single Judge has rightly dismissed the Writ Petition by its own judgment dated 26.2.2015.

2. We have heard the learned counsel appearing before us in these appeals, the learned Standing Counsel appearing for the Bank and the learned Government Pleader as well.

3. On 19.3.2015, we recorded the statement of the appellant that he shall deposit an amount of Rs.2,00,000/- (Rupees Two lakh only) by 24.03.2015. Today, the learned counsel for the appellant submits that the amount has already been deposited in the Bank on 23.03.2015, which fact is not disputed by the learned counsel appearing for the Bank. In view of the aforesaid submission and the fact that the loan availed was a housing loan, which is the residential house of the petitioner, we are inclined to grant one more opportunity to clear the entire outstanding liability.

4. The entire outstanding liability shall be paid by the appellant by way of 'four' equal monthly instalments. The first instalment shall be paid on or before 1st May, 2015 and next by the end of every succeeding month. The Bank shall, within two weeks, provide the statement of accounts of the liability as on date. It is made clear that if, in any event, default is committed by the appellant in making the payments as directed above, it shall be open for the Bank to proceed further with the sale of the property. Subject to payment, as directed above, no further action shall be taken by the Bank under the SARFAESI Act.

Both appeals are disposed of accordingly.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

/TRUE COPY/

PA TO JUDGE