

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WA.No. 891 of 2015 () IN WP(C).8988/2015

AGAINST THE JUDGMENT IN WP(C) 8988/2015 of HIGH COURT OF KERALA
DATED 30.3.2015

APPELLANT(S)/PETITIONERS:

1. DINURAJ S.
S/O. SURESH BABU, KP XS/617-D, NJATTADIVARAM ROAD
VATTAPPARA, NEDUMANGAD TALUK
THIRUVANANTHAPURAM -695 028.

2. T.S.REMYA,
W/O. DINURAJ S., KP XS/617-D, NJATTADIVARAM ROAD
VATTAPPARA, NEDUMANGAD TALUK
THIRUVANANTHAPURAM -695 028.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT(S)/RESPONDENT:

REPCO HOME FINANCE LTD.
REPCO TOWER NO. 33, NORTH USMAN ROAD, T. NAGAR
CHENNAIR AND ONE OF ITS BRANCH AT T.C 25/1655(6)
REMA PLAZA, FIRST FLOOR, SS KOVIL ROAD
THAMPANOOR, THIRUVANANTHAPURAM- 1
REPRESENTED BY ITS AUTHORISED OFFICER.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.VINOD CHANDRAN & P.V ASHA, JJ.

W.A No.891 of 2015

Dated this the 24th day of April, 2015

JUDGMENT

Vinod Chandran, J.

The appellants are aggrieved by the judgment passed in Writ Petition No.8988 of 2015, wherein the learned Single Judge declined to exercise the discretion vested in him since the appellants had already approached this Court and had not complied with the conditions specified in an earlier Writ Petition. The appellants, even going by the records, were before this Court as early as in 2013 challenging the recovery proceedings which was disposed of by Ext.P1 judgment wherein specific directions were issued to pay the overdue amount in 4 equal monthly instalments starting from 31.12.2013, in addition to the equated monthly instalments falling due thereafter.

2. The appellants were before this Court seeking extension of time to pay the defaulted instalments, which was also granted by Ext.P2. Even then the appellants did not comply with the directions issued by this Court. In these circumstances, the respondent bank again proceeded with the revenue

proceedings. Upon which, the appellants have again approached this Court with the subject Writ Petition.

3. The learned Single Judge, according to us, has rightly declined to invoke his discretionary power and the judgment of the learned Single Judge does not warrant any interference by this Court.

4. The learned counsel for the appellants however submitted that the appellants have already taken out a Demand Draft for Rs.7 lakhs, which is produced as Annexure-I and that they would pay the same to the respondent bank.

It is for the respondent bank to decide whether the further recovery proceedings should be kept in abeyance, on Annexure-I Draft being produced before the bank. Leaving open such remedy, the Writ Appeal shall stand dismissed.

Sd/-

K.VINOD CHANDRAN
Judge

Sd/-

P.VASHA
Judge

rtr/

/true copy/

P.S to Judge