

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WA.No. 1074 of 2015

WP(C) 9899/2015, DATED 09-04-2015

APPELLANT(S)/PETITIONERS:

1. DEEPESH, AGED 32 YEARS,
S/O.BALAKRISHNAN, AVIKKAL HOUSE,
TEMPLE GATE P.O., THALASSERY.
2. BALAKRISHNAN. A., S/O.MADHAVAN,
AVIKKAL HOUSE, TEMPLE GATE P.O., THALASSERY.

**BY ADVS.SRI.GEORGE SEBASTIAN
SRI.EBY P.PAUL**

RESPONDENT(S)/RESPONDENTS:

1. THE AUTHORIZED OFFICER,
UCO BANK, BHATSON BUILDINGS,
M.M.ROAD, THALASSERY-670101.
2. THE BRANCH MANAGER, UCO BANK,
BHATSON BUILDINGS,
M.M.ROAD, THALASSERY-670101.

BY SRI.GEORGE KARITHANAM VARGHESE,SC

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

W.A.No.1074 of 2015

Dated this the 8th day of June 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the appellants and the learned counsel appearing for the bank.

2. This writ appeal has been filed against the judgment dated 09/04/2015 in W.P.C.No.9899/2015. The learned Single Judge, by the impugned judgment, has permitted the petitioners to pay the total overdue amount in six equal monthly instalments along with regular E.M.I. Petitioners have come up in this appeal only with the limited prayer that six instalments, which have been granted by the learned Single Judge, may be increased. It is submitted by the appellants that since huge amount has been spent for the treatment of the 1st appellant's brother, they are not in a position to clear the overdue amount in six monthly instalments which may eventually result in loosing of their

property.

3. Considering the facts and circumstances of the case, we are of the view that the judgment of the learned Single Judge does not require any interference except the payment of overdue amount in six instalments.

Accordingly, this writ appeal is disposed of directing the appellants to pay the overdue amount in ten instalments with all other conditions as provided in the judgment of the learned Single Judge. In the event of any default, appellants shall automatically loose the benefit of this judgment.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

