

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WA.No. 1155 of 2015 () IN WP(C).14995/2015

AGAINST THE JUDGMENT IN WP(C) 14995/2015 of HIGH COURT OF KERALA DATED
26-05-2015

APPELLANTS/RESPONDENTS:

1. THE AUTHORISED OFFICER/ASST. GENERAL MANAGER
CORPORATION BANK, PARAKKOT BUILDING, KODUNGALLUR
THRISSUR DISTRICT, PINCODE 680664
2. CORPORATION BANK
KODUNGALLOOR BRANCH, REPRESENTED BY ITS MANAGER
PARAKKOT BUILDING, KODUNGALLUR, THRISSUR DISTRICT
PINCODE 680664

BY ADVS.M/S.VARGHESE & JACOB
SRI.VIVEK VARGHESE P.J.

RESPONDENT/PETITIONER:

MUHAMMED RAFI C.H
CHULLIPARAMBIL HOUSE, ATHANI, MADAVANNA P O
KODUNGALLUR, THRISSUR, PIN 680666

BY SRI.SAJJU.S
BY SRI.K.SHAJ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A.No.1155 of 2015

Dated this the 10th day of June 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the appellants as well as the learned counsel appearing for the respondent/writ petitioner.

2. This writ appeal has been filed by the bank against the judgment dated 26/05/2015 in W.P.C.No.14995/2015, by which the learned Single Judge has directed the respondent/writ petitioner to deposit with the appellant bank ₹.1,00,000/- within one week and rest of the overdue amount in six monthly instalments along with regular EMI.

3. Learned counsel appearing for the bank submits that over due amount is more than ₹.2,10,000/- and time granted by the learned Single Judge to clear the overdue amount is too much. It is submitted that the overdue amount may be directed to be deposited immediately.

4. Learned counsel for the respondent/writ petitioner submits that he had already deposited ₹.1,00,000/- in his account, but the undertaking has not been accepted from the petitioner.

Having heard the learned counsel for the parties, we dispose of this writ appeal with the following directions:

i) The writ petitioner shall submit an undertaking before the bank within one week from today that he will not move the vehicle outside the route permitted under permit, which shall be accepted by the bank and on submitting the undertaking, the vehicle shall be released to the writ petitioner forthwith.

ii) The balance overdue amount shall be paid by the writ petitioner on or before 30/09/2015 in equal monthly instalments.

lii) It is made clear that the writ petitioner shall continue to deposit regular EMI as and when due.

iv) In the event any default is committed in compliance of the aforesaid direction, writ petitioner shall not be entitled for the benefit of this judgment and it shall be open for the bank to proceed in accordance with law.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

