

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WA.No. 1342 of 2015 () IN WP(C).15017/2015

AGAINST THE JUDGMENT IN WP(C) 15017/2015 DATED 02-06-2015

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APPELLANTS/RESPONDENTS :

1. AUTHORISED OFFICER/CHIEF MANAGER PUNJAB NATIONAL BANK
PUNJAB NATIONAL BANK, CIRCLE OFFICE, 40/1461
MARKET ROAD, 3RD FLOOR, ERNAKULAM-682011.
2. THE MANAGER
PUNJAB NATIONAL BANK, KAZHAKUTTOM BRANCH
THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.SUDHEER

RESPONDENT/PETITIONER :

SHAJAHAN M.N., AGED 42 YEARS
S/O. MOHAMMED NOOHU, SHEEBA MANZIL, VENCHAVODE
SREEKARYAM P.O., KAZHAKUTTOM
THIRUVANANTHAPURAM-695017 (MANAGING DIRECTOR
M/S. ADAVANCE MEDIA TECHNOLOGIES PVT. LTD.
NILA BUILDING, TECHNOPARK, KAZHAKUTTOM P.O.
TRIVANDRUM-695581).

BY SRI.THIRUMALA P.K.MANI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 1342 OF 2015

Dated this the 30th day of June, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellant and learned counsel appearing for the respondent/writ petitioner. This writ appeal has been filed against the judgment dated 02.06.2015 passed in W.P.(C) No.15017 of 2015.

2. Learned Single Judge disposed of the writ petition permitting the petitioner to deposit Rs.5 lakhs within one month and rest of the amount by 28th February, 2016. The Bank is in appeal against the said judgment. Learned Standing Counsel for the Bank submits that as the time granted is till 28.02.2016 and if no payment is contemplated, during all these period except the payment of Rs.5 lakhs within one month, no other payment will be made. He submits that in that event the Bank has to wait for a period of six months for taking further proceedings.

3. Learned counsel for the respondent refuting the submission contended that the time has been granted to the petitioner since the petitioner's business is not a running one and he intends to sell the property for settling the entire amount.

4. Be that as it may, we are of the view that during the period which has been allowed to the petitioner, the petitioner has to deposit certain amount periodically with the Bank and in the event petitioner does not deposit any amount during these period the Bank may be allowed to proceed further. In view of the above, direction No.2 of the impugned judgment is modified in the following manner:

The petitioner is allowed time up to 28.02.2016 to clear the entire liability. However, with effect from September, 2015, the petitioner shall start paying Rs.5 lakhs per month and balance amount in the last month. With the above modification, the judgment dated 22.06.2015 is sustained. In the event any default is committed, it shall be open for the Bank to proceed further. The appeal is disposed of accordingly.

**Ashok Bhushan,
Chief Justice.**

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