

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 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WA.No. 1044 of 2014 () IN WP(C).4805/2014

AGAINST THE JUDGMENT IN WP(C) 4805/2014 of HIGH COURT OF
KERALA DATED 03-03-2014

APPELLANT(S)/APPELLANT/PETITIONER:

ANANDAKUMAR
S/O RAMAMOORTHY REDDIAR, PROPRETOR,
SIVANANDA STORES
M.O.WARD, PALACE ROAD, ALAPPUZHA - 658 001
RESIDING AT "SABARI" HOUSE, PALACE ROAD
ALAPPUZHA - 658 001.

BY ADV. SRI.J.VIMAL

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

1. UNION BANK OF INDIA
ALAPPUZHA BRANCH, KABEER PLAZA, MULLACKAL
ALAPPUZHA DISTRICT
REPRESENTED BY ITS CHIEF MANAGER AND
AUTHORIZED OFFICER - 688 001.

2. AUTHORISED OFFICER AND CHEIF MANAGER
UNION BANK OF INDIA, ALAPPUZHA BRANCH,
KABEER PLAZA
MULLACKAL, ALAPPUZHA DISTRICT - 688 001.

R BY SRI.A.S.P.KURUP, SC, UBI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

.....
W.A. No. 1044 of 2014
.....

Dated this the 13th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the appellant and the learned Standing Counsel appearing for respondents.

2. This Writ Appeal has been filed against the Judgment dated 3-3-2014 in W.P.(C) No. 4805 of 2014. The Writ Petitioner is the appellant. The Writ Petition was filed challenging the proceedings under SARFAESI Act,2002.

3. The petitioner before the learned Single Judge came with a prayer that he is ready to deposit the entire amount. The learned Single Judge disposed of the Writ Petition by permitting

the petitioner to clear the entire liability by way of six equal monthly instalments.

4. When the Writ Appeal came up for hearing, the learned counsel for the appellant submitted that as per the orders of the learned Single Judge, substantial amount has already been paid and he shall deposit an amount of Rs. 5,00,000/- within one week from that date, which according to the appellant, has been deposited. This Court on 11th August 2014, directed the appellant to pay the entire amount along with the interest by 31st December, 2014. Learned counsel for the appellant submits that details of the interest have been communicated to the appellant only yesterday. Hence, he could not make the payment of balance amount.

5. Let the appellant pay the entire amount with interest up to date, by the end of February 2015. We make it clear that in

case the appellant commits any default in compliance of this order, it shall be open for the Bank to proceed further under the SARFAESI Act, 2002.

With this direction, this Writ Appeal is disposed of.

ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

A.M.SHAFFIQUE,
JUDGE

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