

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

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WA.No. 1077 of 2014 () IN WP(C).10712/2014

AGAINST THE JUDGMENT IN WP(C) 10712/2014 of HIGH COURT OF KERALA
DATED 09-04-2014

APPELLANT/PETITIONER NO.2 :-

FAIZAL K.V. AGED 38 YEARS
S/O. ABDU ALIAS KUNHIPPA, KAVIL VALAPPIL HOUSE
AALAMKODE P.O., PONNANI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS/RESPONDENTS :-

1. KERALA STATE FINANCIAL ENTERPRISES LIMITED
PALAKKAD-II BRANCH, OPPOSITE AROMA THEATRE
PALAKKAD-678001, REPRESENTED BY ITS BRANCH MANAGER.
2. DEPUTY TAHSILDAR (R.R.)
KERALA STATE FINANCIAL ENTERPRISES LIMITED
PALAKKAD-II BRANCH, OPPOSITE AROMA THEATRE
PALAKKAD-678001.

BY ADV. SRI.V.N.SASIDHARAN., SC, KSFE.
SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL ENT

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

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

W.A. No.1077 of 2014

Dated this the 19th day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

This appeal has been filed by the appellant against the judgment dated 9.4.2014 passed in W.P.(C) No.10712 of 2014, by which, the learned Single Judge has disposed of the writ petition permitting the petitioner to clear the entire liability by way of eight equal monthly instalments, the first instalment was to be paid on or before 30.4.2014. The petitioner, although deposited certain amount in pursuance to the judgment dated 9.4.2014, but thereafter, has not made any payment. The time allowed by the learned Single Judge has also expired.

2. Learned counsel for the appellant submits that he accepts the entire liability and is ready to deposit the entire amount, for which, he may be granted some time.

3. Learned counsel for the respondents opposed the prayer and submitted that the last payment made by the appellant was only in May, 2014.

4. Learned counsel for the appellant submits that since the appellant has filed an appeal, which was pending, he could not make

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any further deposit. However, in view of the prayer made by the appellant, we are of the view that one more opportunity can be given to the appellant as a last chance to clear the entire outstanding amount.

Hence, the writ appeal is disposed of with the following directions :-

- (i) The appellant shall clear the entire outstanding liability along with upto date interest by 30.6.2015.
- (ii) By 31.3.2015, the appellant shall deposit an amount of ₹2 lakhs and thereafter, the balance amount in three equal monthly instalments. The first instalment be paid by 30.4.2015, the 2nd be paid by 31.5.2015 and the 3rd by 30.6.2015.
- (iii) If any default is committed by the appellant in complying with the directions as above, it shall be open for the respondents to proceed with the revenue recovery proceedings against the appellant.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE