

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WA.No. 2079 of 2015 IN WP(C).22773/2014

AGAINST THE JUDGMENT IN WP(C) 22773/2014 DATED 26/09/2014
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APPELLANT/PETITIONERS :

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1. KHADEEJA
A.P.HOUSE, PALKUNNU, BEKAL P.O.
KASARGODE.
 2. MUSTHAFA A.P.
A.P.HOUSE, PALKUNNU, BEKAL P.O.
KASARGODE.

BY ADV. SMT. NIDHI BALACHANDRAN

RESPONDENTS/RESPONDENTS :

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1. THE DEWAN HOUSING FINANCE CORPORATION LTD.
REPRESENTED BY ITS BRANCH MANAGER, PORT ROAD
KANNUR DISTRICT-670 001.
 2. THE AUTHORISED OFFICER
DEVEN HOUSING FINANCE CORPORATION LTD NO. 82
1ST FLOOR, ABOVE IDBI BANK, DR. RAJKUMAR ROAD
RAJAJI NAGAR, 2ND BLOCK, BANGALORE-560 010.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 2079 OF 2015

Dated this the 15th day of October, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellants as well as learned counsel for the respondents.

2. This writ appeal has been filed against the judgment dated 26.09.2014 passed by learned Single Judge in the writ petition filed by the appellants.

3. Learned Single Judge by the aforesaid order disposed of the writ petition permitting the petitioners to clear the overdue amounts by way of six equal monthly installments, the first of which was to be paid on or before 15.10.2014. The petitioners, it appears, could not comply with the said order and have come up with this appeal.

4. Learned counsel for the respondent Finance Corporation submits that the overdue amount as on date is Rs.3,10,000/-. Learned counsel for the appellants submits that they are ready to clear off Rs.2,00,000/- within ten days and the rest i.e. Rs.1,10,000/- within one month thereafter.

5. In view of the aforesaid we are of the view that the judgment of learned Single Judge deserves to be modified with the observation that in the event the appellants deposit Rs.2,00,000/-(Rupees two lakhs only) within 10 days from today and Rs.1,10,000/-(Rupees one lakhs ten thousand only) within one month thereafter, the respondent Corporation shall accept the amount and permit the appellants to deposit the subsequent installments as and when due. We make it clear that in the event of appellants/petitioners committing any two defaults, it shall be open for the respondent Finance Corporation to proceed further in accordance with law.

With the above observation, the Writ Appeal is disposed of.

**Ashok Bhushan,
Chief Justice.**

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

WA No. 2079 of 2015

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