

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WA.No. 2485 of 2015 IN WP(C).28438/2015

AGAINST THE JUDGMENT IN WP(C) 28438/2015 of
HIGH COURT OF KERALA DATED 30-10-2015

APPELLANT(S)/RESPONDENTS 2 AND 3:

1. M/S.SUNDARAM BNP PARIBAS HOME FINANCE LTD.
(FORMERLY KNOWN AS SUNDARAM HOME FINANCE LTD.)
SUNDARAM TOWERS, 1ST FLOOR, NO.46
WHITES ROAD, CHENNAI - 600 014,
HAVING ITS AREA OFFICE AT IIND FLOOR
ELIZABATH ALEXANDER MEMORIAL BUILDING
OPP. RAINBOW BRIDGE, MARINE DRIVE, COCHIN - 682 031
REP. BY ITS AUTHORISED OFFICER, MR.ASWIN RAM, AGED 24 YEARS
S/O. K.K.ASOKAN.
2. THE AUTHORISED OFFICER
M/S. SUNDARAM BNP PARIBAS HOME FINANCE LTD
1ST FLOOR, SUNDARAM TOWERS, NO. 46
WHITES ROAD, CHENNAI - 600 014.

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENT(S)/PETITIONERS AND 1ST RESPONDENT:

1. BINDU.S, AGED 53 YEARS
W/O. SANTHAKUMAR, KACHERIPADAM KALAM, VITHINASSERY
VALLANGI POST, NENMARA VIA, CHITTUR TALUK
PALAKKAD DISTRICT - 678 301.
2. SANTHAKUMAR K
S/O. KESAVA PANICKER, KACHERIPADAM KALAM, VITHINASSERY
VALLANGI POST, NENMARA VIA, CHITTUR TALUK
PALAKKAD DISTRICT - 678 301.
3. RESERVE BANK OF INDIA
SHAHID BHAGAT SINGH MARG, MUMBAI, STATE OF MAHARASHTRA
REP. BY THE GOVERNOR - 400 001.

BY SRI.SAJAN VARGHEESE K.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

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

W.A.No.2485 of 2015

Dated this the 20th day of November, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the appellants and the learned counsel for the respondents.

2. This writ appeal has been filed challenging the order dated 30.10.2015 in W.P.(C)No.28438 of 2015. The 2nd and 3rd respondents in the writ petition are in appeal. The learned counsel for the appellants contended that the learned Single Judge has passed an order granting facility of payment in installments of a huge outstanding dues. It is submitted that, '31.3.2016' is a relevant date for his institution to show its financial achievements and in the event, outstanding is being shown as dues on that day, that reflects on the functioning of the appellants' institution. It is submitted that, the respondents may be directed to make the payment at least of 80% of the due amount prior to

31.3.2016. The learned counsel for the respondents submit that the order passed by the learned single Judge is an order exercising the discretion in favour of the writ petitioners, permitting a little breathing time for paying the entire outstanding dues along with interest. The appellants are getting the entire amount along with interest and in addition to the installments as directed by the Court, the writ petitioner is also paying the regular installments every month. We are of the view that, substantial justice has been done by the learned Single Judge by passing the order giving a little breathing time to the writ petitioners to clear the entire outstanding. The learned Single Judge has already provided in the judgment that, if the writ petitioners commit any default in respect of any of the installments, they will lose the benefit of the judgment and hence the interest of the Bank is fully protected. We do not find any good ground to interfere with the judgment of the learned Single Judge in exercise of the appellate

jurisdiction.

Accordingly, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge