

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 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WA.No. 2496 of 2015

JUDGMENT DATED 11-11-2015 IN WP(C) 32602/2015
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APPELLANT(S)/PETITIONER:

**PRADEEP S.K.,
S/O.SREENIVASAN, PRIYA SADANAM, KOTTAMKARA,
CHANTHANATHOPE P.O., KOLLAM DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S)/RESPONDENTS:

- 1. THE AUTHORISED OFFICER,
INDUSIND BANK LTD., RAMA BHAVAN, PARUTHELIPALAM,
TOLL JUNCTION, EDAPALLY, KOCHI - 682 024.**
- 2. THE BRANCH MANAGER,
INDUSIND BANK LIMITED, VARINJAM TOWER,
NEAR HOTEL SHAH RESIDENCY, KOLLAM DISTRICT - 691 001.**

BY ADV. SRI.VARGHESE C.KURIAKOSE

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

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

W.A. No. 2496 OF 2015

Dated this the 19th day of November, 2015

JUDGMENT

Shaffique, J.

This appeal has been filed by the petitioner in W.P. (C) No.32602 of 2015, challenging the judgment dated 11.11.2015.

2. A perusal of the judgment would indicate that the petitioner had sought only for regularising his account with the respondent Bank which has been permitted by the learned Single Judge directing the petitioner to pay the overdue amount of Rs.1,51,438/- together with accrued interest in five equal and successive monthly instalments commencing from 30.11.2015.

3. The submission of learned counsel for the appellant/petitioner is that he should be permitted to get release of the vehicle by paying at least 50% of the amount. According to him, the container which is loaded into a lorry, is

not under the control of the petitioner and he requires it to be unloaded in the Port premises, from where it is to be exported.

4. Learned counsel for the respondent Bank however would submit that appropriate directions had already been granted by the learned Single Judge permitting the petitioner to get release of the container, on the petitioner producing a copy of the judgment. However, the petitioner had not made any attempt in that regard. It is stated that the vehicle as well as the container is kept at Kollam and if the petitioner is ready and willing to meet all the expenses for transporting the container along with the vehicle to the 'D.P. World', the respondent Bank shall permit release of the container on condition that the vehicle will be taken back after it is unloaded.

5. Having regard to the aforesaid submission made by learned counsel for the Bank, we only observe that if the petitioner approaches the respondent and if he is ready and willing to pay the necessary expenditure, necessary arrangements shall be made by the respondent Bank in that regard.

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With the above observation the Writ Appeal is disposed of.

**Ashok Bhushan,
Chief Justice.**

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

ttb/19/11