

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WA.No. 2683 of 2015 IN WP(C).22333/2015

AGAINST THE JUDGMENT IN WP(C) 22333/2015 DATED 01-12-2015
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APPELLANT/PETITIONER :

M.UMMUSALMA, AGED 52 YEARS,
W/O.MOIDEEN,
M/S.NEENU FOOD PRODUCTS,
MUNDAMANGALATH HOUSE,
THAMBURATTIKALLU, MUNDERI P.O.,
NILAMBUR, MALAPPURAM DISTRICT.

BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)

RESPONDENTS/RESPONDENTS :

1. THE STATE BANK OF INDIA,
FRANCIS ROAD, CALICUT, REPRESENTED BY ITS
CHIEF MANAGER, REGIONAL BUSINESS OFFICE 2,
SOUTHERN TRADE TOWER, 2ND FLOOR,
PUSHPA JUNCTION, KOZHIKKODE, PIN - 673 002.
2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
MALAPPURAM, PIN - 676 505.

BY SRI.TOM K.THOMAS, SC, SBI.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S EXHIBITS :

ANNEXURE A : TRUE COPY OF THE ADVERTISEMENT OF THE FIRM OF THE APPELLANT SHOWING THE APPELLANT WAS AWARDED BEST ENTREPRESEUR AWARD BY THE STATE OF KERALA FROM FORMER INDUSTRIAL MINISTER OF KERALA, SRI.ELAMARAM KAREEM, ALONG WITH THE ENGLISH TRANSLATION OF THE SAME.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.A. No. 2683 OF 2015

Dated this the 14th day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard both the sides. This writ appeal has been filed against the judgment dated 01.12.2015 in W.P.(C) No.22333 of 2015.

2. In the writ petition the appellant/petitioner has prayed for a direction to the respondent Bank to permit the petitioner to clear off the liability in reasonable equal monthly instalments, after regularizing the loan account.

3. The learned Single Judge in the judgment has noticed that the petitioner has earlier filed W.P.(C) No.7389 of 2015 which was disposed of by this Court on 12.03.2015 permitting the petitioner to deposit ₹7,50,000/- on or before 30.03.2015 and to remit the balance amount with accrued interest in six equal monthly instalments commencing from 20.04.2015.

4. Learned Single Judge noticing the aforesaid facts dismissed the writ petition observing that the discretionary power cannot be exercised in favour of the petitioner. We do

not find any error in the impugned judgment of learned Single Judge refusing to grant the relief sought for.

5. Learned counsel for the appellant submits that issues pertaining to subsidy are pending with the 2nd respondent and if the Bank is proceeding with the coercive steps, she will not get the subsidy amount.

6. Having regard to the above factual circumstances we are of the view that it is open for the appellant to approach the Bank seeking such relief as permissible including the remittance of liability by way of subsidy. It is not necessary for us to entertain such issues in this writ appeal.

With the above observation the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

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