

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 2509 of 2015 (K)

PETITIONER :

**M.M. KALIRAJAN, AGED 58 YEARS,
S/O.M.M.NADAR, SOORYA BHAVAN HOUSE,
NIRMALAGIRI POST, KUTHUPARAMBA, THALASSERY TALUK,
KANNUR DISTRICT.**

**BY ADVS.SRI.C.KHALID
SRI.PHIJO PRADEESH PHILIP**

RESPONDENT(S):

- 1. KERALA GRAMIN BANK KUTHUPARAMBA,
REPRESENTED BY THE REGIONAL MANAGER,
THALASSERY BRANCH, KANNUR DISTRICT-670 001**
- 2. MANAGER, GRAMIN BANK, THALASSERY BRANCH,
KANNUR DISTRICT-670 001**

R1 & R2 BY SRI.T.R.RAVI, SC, S.MALABAR G. BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.2509/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER IN WP(C) NO.11108/14 DATED 11/6/14 THE HON'BLE HIGH COURT OF KERALA.**
- P2 COPY OF THE AFFIDAVIT SUBMITTED BY THE AUTHORIZED OFFICER BEFORE CHIEF JUDICIAL MAGISTRATE, THALASSERY ON 31/12/2014.**
- P3 COPY OF THE DOCKET ORDER ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE, THALASSERY ON 31/12/2014.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.2509 of 2015

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Dated this the 23rd day of January, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. When recovery steps were initiated by the bank, the petitioner preferred this writ petition seeking a grant of instalments to effect repayment of the loan amount. When the matter came up for admission, it was noted that the petitioner had approached this Court on an earlier occasion through a writ petition, and by Ext.P1 judgment the petitioner was granted the benefit of effecting repayment in instalments while seeking a regularisation of the loan. It is now stated that the petitioner could not effect the instalments as directed in Ext.P1 judgment, since the respondent bank took a different stand with regard to the total amount outstanding. Be that as it may, I am of the view that if the petitioner wants further instalments to effect repayment of the loan amount, he would have to seek a review of Ext.P1 judgment already passed in his favour. The present writ petition, seeking the same relief as has already been granted to the petitioner in Ext.P1 judgment, cannot be maintained. Accordingly, I dismiss the writ petition as not maintainable.

Counsel for the petitioner would submit that the petitioner is facing dispossession pursuant to the action taken by the respondents. Taking note of the said submission, I stay the recovery proceedings initiated by the respondent bank for a period of 10 days so as to enable the petitioner to pursue his remedies against Ext.P1 judgment, if he so desires. It is made clear that on the expiry of 10 days from today, the stay granted in this judgment will cease to operate. The respondent bank shall also furnish to the petitioner a detailed statement regarding the total amount outstanding from the petitioner to the respondent bank.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

