

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 12349 of 2012 (P)

PETITIONER(S):

**SIBY JOSEPH,
DIRECTOR, M/S CATCHMENT PLANTATIONS (PVT) LTD.
S/O.C.D.JOSEPH, CHIRAMMEL (HOUSE), ANAPPARA (PO)
MANJAPRA, ERNAKULAM (DIST).**

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT(S):

**THE BRANCH MANAGER
HDFC BANK LTD., MG ROAD BRANCH, ERNAKULAM
COCHIN-16.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 12349 of 2012 (P)

APPENDIX

PETITIONERS' EXHIBITS

**P1: COPY OF THE APPLICATION FOR ONE-TIME SETTLEMENT SUBMITTED BY
THE PETITIONER DATED 19/3/12**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 12349 of 2012

Dated this the 15th day of January, 2015

J U D G M E N T

Aggrieved by the non-consideration of Ext.P1 application for one-time settlement submitted by the petitioner, the petitioner has come up before this Court.

2. The petitioner Company has taken a loan from the respondent bank for the purpose of developing its plantation. The petitioner defaulted in making repayments; and accordingly, the bank approached the Debt Recovery Tribunal, Ernakulam. Now, the matter is pending execution before the Recovery Officer of the Tribunal as DRC No.1030. The execution proceedings are being proceeded with for the realization of the decree debt by auction sale of 281.91 acres plantation belonging to the Company. The petitioner's grievance is that though in the meantime, he approached the respondent bank requesting for an opportunity for one-time settlement to

..2..

clear the liability and submitted Ext.P1 request, the respondent bank has not given any specific reply.

As the limited prayer in this writ petition is for a consideration of Ext.P1 application, this writ petition is disposed of directing the respondent bank to consider and pass appropriate orders on Ext.P1 after affording the petitioner an opportunity of being heard.

The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment. To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment along with a copy of the writ petition before the respondent bank at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-