

(2023) 05 KL CK 0120
In the High Court Of Kerala
Case No : Matrimonial Appeal No.843 Of 2020

Gopalakrishnan

APPELLANT

Vs

Aswathy

RESPONDENT

Date of Decision : 22-05-2023

Acts Referred:

Family Courts Act, 1984 — Section 19(1)

Citation : (2023) 05 KL CK 0120

Hon'ble Judges : Anil K. Narendran, J;P.G.Ajithkumar, J.

Bench : Division Bench

Advocate : Kochumol Koduvath, Iype Joseph

Final Decision : Partly Allowed

Judgement

1. The petitioners have approached this Court challenging the proceedings initiated by the first respondent bank to recover amounts due under a loan availed by the petitioners from the first respondent bank.

2. When this matter came up for consideration on 16.03.2023, this Court had passed the following interim order;

"Admit.

Issue notice by speed post to the respondents.

Any sale pursuant to Ext.P3 shall not be confirmed till 22.05.2023 on condition that the petitioners remit a sum of Rs.60,000/- (Rupees Sixty Thousand only) towards the loan liability within a period of two weeks from today.

Post on 22.05.2023."

3. When this matter is taken up for consideration today, the learned counsel appearing for the petitioners would submit that he has no instructions as to whether the amount directed to be paid had been paid. The learned counsel appearing for the respondent bank would submit that no amount has paid

pursuant to the interim order.

4. Having regard to the fact that the only prayer in the writ petition is for permission to pay off the liability in instalments, I am of the view that the petitioners have not shown any bonafides warranting interference in the exercise of the jurisdiction under Article 226 of the Constitution of India.

The writ petition fails and it is, accordingly, dismissed.