(2012) 07 KL CK 0210

In the High Court Of Kerala

Case No : R.P. No. 553 of 2012 (H)

Indira. P. APPELLANT

Vs

Authorised Officer/Manager, Pathanamthitta District Co-Operative bank Ltd., Pathanamthitta, Head Office, Pathanmthitta-689 645 and Pathanamthitta District Co-Operative Bank Ltd. RESPONDENT

Date of Decision : 17-07-2012

Acts Referred:

Citation : (2012) 07 KL CK 0210

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : S. Muhammed Haneeff and Sri. R. Krishnakumar Cherthala, for the Appellant; Varghese M. Easow, SC Pathanamthitta Dist. Co-Op Bank Ltd. for R1 and R2, for the Respondent

Final Decision : Dismissed

Judgement

Justice P.R. Ramachandra Menon

1. This review petition has been filed by the writ petitioner pointing out that, by the time the judgment was passed by this Court on 28/05/2012, disposing the writ petition enabling the petitioner to clear the overdue amount by way of two equal monthly instalments as specified, the petitioner had already effected payment of a sum of Rs. 3 lakhs, without knowing the above direction and thus there is an excess payment in respect of the overdue amount to an extent of Rs. 1.17 lakhs, which hence is sought to be reviewed for rescheduling the loan account. Admittedly, there is no case that the petitioner is not liable to satisfy the amount or as to the quantum of overdue amount in respect of the defaulted instalments. The eligible and permissible extent of relief has already been extended by this Court as per the judgment dated 28/05/2012 enabling the petitioner to clear the overdue amount as specified and to continue to effect the regular E.M.Is in the manner as specified therein. If the petitioner has effected

any payment more than the requisite extent to clear the overdue amount, it will of course be credited by the Bank in respect of the entire overdue amount and if any left over/balance is there, it shall stand credited against the subsequent E.M.Is. This being the position, this Court does not find any reason to invoke the power of review to have the loan account rescheduled, more so, when there is no apparent error on the face of the records, to call for review.

Review petition fails and the same is dismissed accordingly.

