

(2023) 10 KL CK 0083
In the High Court Of Kerala
Case No : Writ Appeal No. 1683 Of 2023

Mohammed Hussain

APPELLANT

Vs

State Bank Of India

RESPONDENT

Date of Decision : 16-10-2023

Acts Referred:

Kerala High Court Act, 1958 — Section 5

Citation : (2023) 10 KL CK 0083

Hon'ble Judges : A.J. Desai, CJ;V.G. Arun, J

Bench : Division Bench

Advocate : Nishin George Vijayababu, Jayesh Mohan Kumar

Final Decision : Disposed Of

Judgement

A.J.Desai, C.J

1. By way of the present appeal filed under Section 5 of the Kerala High Court Act, the original petitioner has challenged the judgment dated 18.08.2023, passed by the learned Single Judge, in the caption W.P.(C)No.24083/2023, by which, the reliefs sought for by the petitioner to extend the time to pay the installment, is refused.

2. Having heard the learned Advocates appearing for respective parties and having gone through the impugned judgment, it is clear that the bank had agreed to the offer for payment under the One Time Settlement Scheme. Even as per the One Time Settlement Scheme, the appellant did not pay the amount. Hence, the learned Single Judge rightly dismissed the petition in view of the decision of the Hon'ble Apex Court in State Bank of India v. Arvindra Electronics Private Ltd [2022 KHC 7165].

The writ appeal is disposed of accordingly. However it is open for the bank to consider the request made by the appellant for One Time Settlement Scheme, afresh.