(2017) 07 KL CK 0030

In the High Court Of Kerala

Case No : 1399 of 2017 () IN WP(C) 21273 of 2017

SURENDRANATH APPELLANT

Vs

STATE BANK OF TRAVANCORE RESPONDENT

Date of Decision : 05-07-2017

Acts Referred:

Citation : (2017) 07 KL CK 0030

Hon'ble Judges : Navaniti Prasad Singh, Raja Vijayaraghavan V

Bench : DIVISION BENCH

Advocate : G.SUDHEER, N.P.ASHA, V.P.VIPINKUMAR, R.S.KALKURA

Final Decision : Disposed

Judgement

1. The appellant being the writ petitioner in this intra court appeal is aggrieved by the order of the learned Single Judge dated 28.6.2017 in W.P.(C). No.21273 of 2017 dismissing the writ petition noticing that orders passed in earlier writ proceedings had not been complied with.

2. We have heard learned counsel for the appellant and the learned counsel for the erstwhile State Bank of Travancore and with their consent we dispose of this appeal at this stage itself.

3. The appellant had taken a housing loan. There had been defaults. The appellant did not rectify the situation in spite of indulgence granted by the learned Single Judge of this Court. Accordingly, when the second writ petition was filed, it was

dismissed by the learned Single Judge. The residential house of the appellant in which the appellant used to stay with his family has been taken possession by the Bank and has been locked.

4. Upon hearing the parties, learned counsel for the Bank discloses that the total overdue amount is about Rs.3,90,000/-. The appellant states that he is ready to clear the entire overdue along with penal interest, which may be levied and upon this payment being made, the possession be restored and loan be regularised with due EMI as earlier fixed.

5. We have considered the offer and in our view, it is fair and just. Learned counsel for the Bank fairly states that they are not interested in the residential house of the appellant. All they are interested is securing repayment of their loan.

6. Having considered the matter we direct that upon the appellant clearing of the entire overdue along with the penal interest, as may be leviable, within 15 days from today, the loan would be regularised from the next month onwards and the appellant would only be required to pay the EMI as earlier fixed. On payment of the aforesaid amount within 15 days, the Bank would handover the possession of the house to the appellant forthwith. Parties shall abide by the aforesaid condition and any default by the appellant would authorise the Bank to take all the steps that they are authorised in law to take.

With this observation and direction this appeal stands disposed of.

