

Ratheesh Vs. Senior Manager

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Court : Kerala

Decided On : Jun-05-2014

Judge : Honourable Mr.Justice K.M.Joseph

Appellant : Ratheesh

Respondent : Senior Manager

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE
HONOURABLE MR.JUSTICE K.M.JOSEPH & THE HONOURABLE MR.
JUSTICE K.ABRAHAM MATHEW THURSDAY, THE5H DAY OF JUNE201415TH
JYASHTA, 1936 WA.No. 741 of 2014 () IN RP.275/2014
----- AGAINST THE

ORDER

IN RP2752014 of HIGH COURT OF KERALA DATED7.4.2014
APPELLANT(S)/RESPONDENT/PETITIONER :

----- RATHEESH AGED36YEARS
S/O. BALAN, THALIYADATH HOUSE, SOBHALAYAM KALOOR ROAD,
KOZHIKODE-673 007. BY ADV. SRI.P.V.KUNHIKRISHNAN
RESPONDENT(S)/REVIEW PETITIONERS/RESPONDENTS :

----- 1. SENIOR
MANAGER PUNJAB NATIONAL BANK, NADAKKAVU, KOZHIKODE-673 001.

2. AUTHORISED OFFICER/CHIEF MANAGER PUNJAB NATIONAL BANK, SATHABDHI BHAVAN MINI BYEPASS ROAD, GOVINDAPURAM, KOZHIKODE-673 001. R BY SRI.K.P.SUDHEER THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 0506-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: K. M. JOSEPH & K. ABRAHAM MATHEW, JJ
----- C.M.Appl. No.397 OF2014in W.A. No. 741 OF2014and W.A. No. 741 OF2014----- Dated this the 5th day of June, 2014

JUDGMENT

K.M. Joseph, J C.M.Appl. 397of 2014 in W.A. No. 741 of 2014 Heard learned counsel for the petitioner and the learned counsel for the respondent. In the circumstances of the case, delay will stand condoned. W.A.No.741 of 2014 Appellant challenged the order passed in R.P. No.275 of 2014 in Writ Petition No.5640 of 14. The prayer which was sought in the writ petition was essentially to grant 60 days time to clear the entire amount due to the respondent bank.

2. Learned single Judge, however, while disposing the Writ Petition granted time giving him the benefit of eight equal monthly installments, the first of which shall be paid on or before 20.5.2014, which is to be followed by similar installments to be W.A. No.741/14 2 effected on or before the last working day of the succeeding month. Aggrieved by the same, the respondent Bank filed the Review Petition.

3. According to learned counsel for the respondent Bank, the prayer of the appellant itself was to permit the appellant to pay off the entire amount in two months and the learned Single Judge, went beyond the prayer sought by the appellant and granted relief to the appellant. Learned Single Judge modified the order and disposed of the Review petition by directing the appellant to satisfy the entire amount within two months from the date of order of Review petition.

4. Learned counsel for the appellant would contend that he is justified in filing this appeal on the basis of the residuary prayer contained in the Writ Petition.

5. For more reason than one we are not inclined to accept the request. Apart from the fact that the said contention itself is untenable, we are on surer foundations when we notice that as brought to our notice by learned counsel for the respondent learned counsel for the appellant had submitted before the learned Single Judge in review that the appellant is ready to satisfy the entire liability in two months. Having made such a W.A. No.741/14 3 submission before the learned Single Judge, it is not open to the appellant to impugn the order passed in the review.

6. Learned counsel for the appellant seeks some more time to pay off the entire liability.

7. Having heard learned counsel for the respondent also, we only modify the order passed in the review and pass the following order : If the appellant pays Rupees four lakhs on or before 30.6.2014 and if he pays the balance amount with interest on or before 15.7.2014, coercive proceedings will be kept in abeyance. If he fails to pay Rupees four lakhs on or before 30.6.2014 or the balance amount with interest, the respondent Bank will be free to proceed against him. Sd/- K. M. JOSEPH, JUDGE Sd/- K. ABRAHAM MATHEW, JUDGE. Sou. // True copy //

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