

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MRS.JUSTICE M.R. ANITHA

FRIDAY, THE 8TH DAY OF MAY, 2020 / 18TH VAISAKHA, 1942

WA NO.639 OF 2020

APPELLANT/PETITIONER:

SANTHOSH KUMAR.K.O,  
AGED 58 YEARS, S/O OMANAKUTTAN PILLAI,  
KUZHITHUNDIL ANANDA BHAVAN,  
KUNNAM (PO), MAVELIKARA, ALAPUZHA DISTRICT

BY. ADV.SRI M.V.THAMBAN  
ADV.SRI R.REJI  
ADV.SMT.THARA THAMBAN  
ADV.SRI B.BIPIN  
ADV.SRI.ARUN BOSE  
ADV.SMT. RENI JAMES

RESPONDENTS/RESPONDENTS:

1. STATE BANK OF INDIA,  
REPRESENTED BY THE CHIEF MANAGER (MAINTENANCE) ,  
RASMEC, STATE BANK OF INDIA,  
MAVELIKARA (PO), ALAPUZHA DISTRICT,  
PIN- 690 101.
2. THE AUTHORIZED OFFICER,  
RASMEC, STATE BANK OF INDIA,  
MAVELIKARA (PO), ALAPUZHA DISTRICT,  
PIN- 690 101.
3. THE BRANCH MANAGER,  
KOZHUVALLOR,  
STATE BANK OF INDIA,  
CHENGANNOOR PO,  
ALAPPUZHA DISTRICT,  
PIN- 689 121.

THIS WRIT APPEAL HAVING COME UP FOR ORDERS ON  
08.05.2020, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**SHAJI P. CHALY & M.R. ANITHA, JJ.**

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**W.A No. 639 of 2020**

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**Dated this the 8<sup>th</sup> day of May, 2020**

**JUDGMENT**

SHAJI P. CHALY, J

This writ appeal is filed by the petitioner in W.P.(C) No. 5586 of 2020 challenging the judgment dated 04.03.2020, whereby the petitioner is granted liberty to pay off the outstanding overdue amount due to the first respondent i.e., State Bank of India in 3 equal monthly instalments commencing from 31.03.2020. However, the amount was not paid by the appellant. According to the appellant, due to the advisories issued by the State Government and the Central Government on the basis of the lock down in view of the pandemic, Covid-19, the appellant was unable to raise the amount.

2. We have heard the learned counsel for the appellant as well as the learned Standing Counsel appearing for the State Bank of India, and perused the pleadings and documents on

record.

3. Having evaluated the situation and appreciated the pros and cons, we are of the considered view that since the writ petition was disposed of on the basis of the submission made by the learned counsel for the appellant that the outstanding overdue amounts would be paid in three equal monthly instalments, we do not think that there is any legal infirmity justifying interference in the judgment of the learned single Judge under Section 5 of the Kerala High Court Act. The inability of the appellant to raise funds for payment is not a ground at all to prefer an appeal before this Court. However, learned counsel for the appellant submitted that the appellant would pay 50% of Rs.2,57,157/- within three weeks and he may be granted two months' time from today for payment of the balance overdue amount outstanding.

4. Taking into account the present situation of Covid, 19, we are also of the view that reasonable time can be granted to the appellant on certain conditions. Therefore, this writ appeal is disposed of directing the appellant to pay 50% of the amount

specified above within three weeks from today and if the payment is effected by the appellant within the stipulated time, he shall be granted two months' time from today for payment of the balance outstanding overdue amount.

5. However, it is made clear that the Bank is at liberty to grant further time for the payment of the overdue amount consequent to the advisories issued by the Central and State Governments and the Reserve Bank of India. Subject to the rider above, all other conditions prescribed in the judgment in the writ petition would remain in tact.

**SHAJI P. CHALY, JUDGE.**

**M.R. ANITHA, JUDGE.**

Rv

**APPENDIX**

**APPELLANT'S EXHIBITS:**

**Exhibit P1:** True copy of the notice No. RASMEC MVK/2019-20 dt. 01.01.2020 issued by the 2<sup>nd</sup> respondent .

**Exhibit P2:** True copy of the notice dated 29.01.2020 issued by the second respondent.

**RESPONDENTS' EXHIBITS: NIL**

/True Copy/

PS to Judge.