

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 30TH DAY OF APRIL 2024 / 10TH VAISAKHA, 1946

WA NO. 624 OF 2024

**AGAINST THE JUDGMENT DATED 25.03.2024 IN WP(C) NO.10955 OF 2024
OF HIGH COURT OF KERALA**

APPELLANTS:

- 1 ALOYSIUS VARGHESE
AGED 53 YEARS
S/O. VARGHESE, THOTTAPATT HOUSE, KODIKULAM PO,
IDUKKI, PIN - 685582
- 2 ALPHONSA GEORGE
AGED 57 YEARS
D/O.VARGHESE, KARIKULATH PUTHENPURA HOUSE,
EZHALLOOR PO, IDUKKI, PIN - 685605
BY ADVS.
AMJATHA D.A.
FARHANA K.H.

RESPONDENTS:

- 1 THE KERALA STATE CO-OPERATIVE BANK LTD,
REPRESENTED BY THE AUTHORIZED OFFICER
CREDIT PROCESSING CENTRE P B NO. 2, IDUKKI COLONY PO,
IDUKKI, PIN - 685602
- 2 AUTHORIZED OFFICER
THE KERALA STATE CO-OPERATIVE BANK LTD CREDIT
PROCESSING CENTRE P B NO.2, IDUKKI COLONY PO, IDUKKI,
PIN - 685602
- 3 THE BRANCH MANAGER
KERALA STATE CO-OPERATIVE BANK LTD, WEST KODIKULAM
BRANCH IDUKKI, PIN - 685582
SC - GILBERET GEORGE CORREYA

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
30.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JUDGMENT**DEVAN RAMACHANDRAN, J.**

It is gratifying that the learned Standing Counsel for the respondent - Bank is amenable to some concessions in favour of the appellants, even though, he maintains that no such is liable to be granted in law.

2. The facts of this case are not in dispute.

3. The appellants have defaulted payment of a loan availed of from the respondent - Bank; and they also concede that they have not been able to comply with the time frame for payment, as fixed in the impugned judgment.

4. We have gone through the judgment and we find no reason to interfere legally; but since the appellants say that they are going through extreme financial crisis, we asked the learned Standing Counsel for the respondent - Bank - Sri.Gilbert George Correya, whether any further benefits can be offered.

5. As said above, Sri.Gilbert George Correya fairly submitted that if the appellants pay Rs.5.5 Lakhs - which is the balance of the first instalment as ordered by the learned Single Judge - on or before 30.05.2024, the rest of the overdue amount can be allowed to pay in not more than 15 equal monthly instalments.

6. The learned counsel for the appellants - Smt.Amjatha D.A., acceded to the afore suggestion.

In the afore circumstances, without in any manner meaning that the judgment of the learned Single Judge is in error, we allow this Appeal, as an indulgence to the appellants, with the following directions.

The payment schedule in the judgment impugned would stand modified in the following manner:

(a) The appellants shall pay an amount of Rs.5.5 Lakhs on or before 30.05.2024.

(b) If the afore is done, the appellants will be allowed to pay the balance of the overdue amount in the loan account in 15 equal monthly instalments, commencing from 30.06.2024.

In all other respects, the judgment impugned will remain unaltered.

Sd/-

**DEVAN RAMACHANDRAN
JUDGE**

Sd/ -

**EASWARAN S.
JUDGE**

MC/30.4