

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.HRISHIKESH ROY

&

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 30TH DAY OF JANUARY 2019 / 10TH MAGHA, 1940

WA.No. 442 of 2015

AGAINST THE JUDGMENT IN WPC 7190/2014 of HIGH COURT OF KERALA
DATED 13-03-2014

APPELLANT/PETITIONER:

PUSHPALATHA K.
AGED 40 YEARS
W/O.C.CHENTHAMARA, KORATHODE HOUSE,
KADUKKAMKUNNAM, PALAKKAD.

BY ADV. SRI.K.A.SREEJITH

RESPONDENTS/RESPONDENTS:

1 STATE BANK OF TRAVANCORE
REGIONAL OFFICE, HOTEL GREEN PARK BUILDING,
MANJAKULAM ROAD, PALAKKAD - 678 110,
REPRESENTED BY ITS MANAGER.

2 THE AUTHORISED OFFICER
STATE BANK OF TRAVANCORE, PALAKKAD - 678 001.

BY ADVS.
SRI.K.JAYESH MOHANKUMAR
SRI.PUSHPARAJAN KODOTH
SRI.T.SETHUMADHAVAN (SR.)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 30.01.2019, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

JUDGMENT

A.K.Jayasankaran Nambiar, J.

This is a petition seeking condonation of delay of 304 days in filing the Writ Appeal. We note that the Writ Appeal was filed in 2015 and notice was ordered in the delay condonation application to the respondents. Although the respondents sought time to file a counter affidavit, no counter affidavit is seen filed till date. In the meanwhile four years have elapsed since the preferring of the Writ Appeal by the writ petitioner, who was aggrieved by the number of instalments granted to her to discharge the loan liability. Taking note of the lapse of time, and finding that there was no stay against the judgment impugned in the Writ Appeal, which permitted the Bank to initiate recovery steps on the failure of the petitioner to comply with the directions as regards the repayment of the loan amount in instalments, we are of the view that the matter has become infructuous. Under such circumstances, the delay condonation application as also the Writ Appeal are dismissed as infructuous.

Sd/-

**Hrishikesh Roy,
Chief Justice**

Sd/-

**A.K.Jayasankaran Nambiar,
Judge**

/true copy/

P.A. To Judge

vpv