

**HIGH COURT OF TRIPURA
AGARTALA**

WA 28 of 2025

Smt. Joyasree Roy

-----Appellant(s)

Versus

The Chairman, Tripura Gramin Bank and Ors.

---Respondent(s)

For Appellant(s)	:	Mr. A. K. Pal, Advocate.
For Respondent(s)	:	Mr. A.R. Barman, Advocate.
Date of hearing and date of judgment and order	:	27.05.2025.
Whether fit for reporting	:	No

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Judgement and Order (Oral)

T. Amarnath Goud, J

This is an appeal under Chapter VIII, Rule B(A) of the High Court of Tripura Rules 2023 preferred against the Judgment & Order dated 02/09/2024 passed by the learned Single Judge, in case no.WP(C)183 of 2024.

[2] It is the case of the petitioner that the petitioner is Government employee under the Public Works Department (DWS Division), Govt. of Tripura Bishalgarh in the capacity of Lower Division Clerk (in short LDC) and her salary account with the respondent no.3, Branch Manager, Tripura Gramin Bank, Bishalgarh Office Tilla Branch. The petitioner is surety of loan amount of the respondent no.4(borrower) i.e. her husband who is Govt. employee under the respondent no. 5 in the capacity of Lower Division Clerk in short LDC) at Ambassa, District-Dhalai, Tripura State. The respondent no.4 (borrower) took two numbers of loan from the respondent no.7, Branch Manager, Tripura Gramin Bank, Agartala Branch and in the said two loan of the borrower the petitioner stood guarantor herself of the said two loan amount of Rs.1,50,000/- and

Rs.2,50,000/- and accordingly the respondent no. 4 (borrower) has been paying his monthly loan installment to the respondent no.7.

[3] But from the month of December, 2023, the respondent no.4 has changed his salary account from the respondent no. 7 i.e. Branch Manager, Tripura Gramin Bank, Agartala Branch to the respondent no. 6 i.e. Branch Manager, Bandhan Bank, Lake Chowmuhani Branch, Agartala and thereafter the respondent no.3 salary bank of the petitioner started deduction of borrower's monthly loan instalment @ Rs.16,000/- per month w.e.f. December, 2023 from salary bank account of the petitioner. But the respondent no. 3 without given any intimation to the petitioner has started deduction of the borrower's loan installment amount from her salary bank account.

[4] It is necessary to mention here that the respondent no.3 cannot start deduction the borrower's loan installment per month from the salary bank of the petitioner, as such the petitioner filed this writ petition before this Court seeking direction against the respondent no.3 not to deduct the borrower's monthly loan installment from the salary account of the petitioner and to open the operation of the salary bank account of the petitioner and to release the full salary amount of the petitioner from the month of December, 2023 for smooth running of her daily life along with her two minors child and family. But after hearing the parties, the Learned Single Judge dismissed the writ petition in 02/09/2024 without hearing from the side of the appellant-petitioner. Hence the appellant challenged the order dated 02/09/2024 for setting aside/quash the said order dated 02/09/2024 for fair ends of justice.

[5] Heard and perused the record.

[6] It is seen from the record that the husband-respondent has taken loan from the bank-respondent and became an Non-Performing Asset (NPA). The

wife (the appellant herein) stood as a guarantor when he took loan from the respondent-bank. The appellant further submits that her husband has been staying separately for long time. The appellant is no longer in relationship with her husband and prays that the respondent-bank who has granted loan to the husband-respondent should proceed him first. After exhausting all remedies against the husband-respondent, the bank-respondent shall take step against the guarantor wife who is the appellant herein.

[7] Since the appellant has failed to furnish any judgment in support of her contention and further there is no provision of law that the respondent-bank should exhaust the remedies for recovery of the amount from the loanee and thereafter they should come and take steps against the guarantor, in view of the expressed provisions of law, this court finds that that the appellant has not approached this court with clean hands.

[8] Further this court feels that, at this juncture, the notification dated 31.01.2024 issued by the respondent-bank addressed to the appellant herein does not come at rescue for the appellant. This also compels this court to think that the case in hand is not maintainable. If the appellant has any grievance with regard to the recovery of loan amount from her salary, she has effective remedies to avail. The appellant herein has also failed to take any step to establish her bona fides. She did not approach the respondent bank to provide the service particulars of her husband, stating that he is a government employee. Such information would have enabled the respondent bank to take appropriate action in accordance with law. Therefore, this court finds no infirmity with the Judgment & Order dated 02/09/2024 passed by the learned Single Judge, in case no.WP(C)183 of 2024 and is of the view that the instant appeal is liable to be dismissed. Accordingly, it is dismissed.

[9] In view of the foregoing discussion and upon careful consideration of the reasons assigned in the impugned judgment, this Court finds no ground to interfere with the findings recorded by the learned Single Judge. Accordingly, the present appeal stands dismissed, thereby affirming the Judgment and Order dated 02.09.2024 passed by the learned Single Judge in WP(C) No. 183 of 2024.

As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

B.Palit, J

T. Amarnath Goud, J



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