

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

RP.No. 230 of 2015 (F) IN WP(C).21059/2014

AGAINST THE JUDGMENT IN WP(C) 21059/2014 of HIGH COURT OF KERALA
DATED 13-08-2014

REVIEW PETITIONER/5TH RESPONDENT:

V.V.ROY AGED 55 YEARS
S/O. VARIJAKSHAN, CONDUCTOR, KSRTC
ERNAKULAM 682016 RESIDING AT VALIYAPARAMBIL HOUSE
PUTHUVYPE PO, ERNAKULAM DISTRICT PIN-682508

BY ADV. SRI.K.P.JUSTINE (KARIPAT)

RESPONDENTS / R1 TO R4 & PETITIONER:

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1. THE SECRETARY
KARTHEDOM SERVICE CO-OPERATIVE BANK LTD
NO.123 MALIPPURAM PO, ERNAKULAM DISTRICT, PIN-682511
 2. MANAGING DIRECTOR,
KSRTC, TRANSPORT BHAVAN, EAST FORT
THIRUVANANTHAPURAM -695014 DISTRICT TRANSPORT OFFICER
KSRTC, ERNAKULAM 682016
 3. DISTRICT TRANSPORT OFFICER,
KSRTC ERNAKULAM 682016
 4. BINDU, AGED 50 YEARS
W/O. V.V ROY, PALLATHU HOUSE, PUTHUVYPU PO
ERNAKULAM DISTRICT 682508
 5. UNNIKRISHNAN CT., AGED 56 YEARS
S/O.THANKAPPAN, NAMBRATHIL , THARAYIL
NAYARAMBALAM PO, NAYARAMBALAM, ERNAKULAM DISTRICT-682120

R BY ADV.SRI.B.BALA PRASANNAN
R BY ADV.SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 24-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

RP.No. 230 of 2015 (F) IN WP(C).21059/2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE - A1 : COPY OF THE DUTY PASS ISSUED TO THE REVIEW PETITION BY THE RESPONDENT CORPORATION

ANNEXURE - A2 : COPY OF THE JUDGMENT DATED 13.8.2014 IN WP(C).NO.21059/2014 OF THIS HONOURABLE COURT

RESPONDENTS' ANNEXURES: NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

R.P.No.230 of 2015
in
W.P.(C) No.21059 of 2014

Dated this the 24th day of March, 2015

ORDER

The 5th respondent in W.P(C).No.21059/2014 has filed this petition seeking review of the judgment dated 13.08.2014 by which the writ petition was dismissed. The writ petition was dismissed without issuing notice to the respondents. In the judgment, it has been directed that the 1st respondent was free to recover the dues from the immovable properties as well as salaries of respondents 4 and 5. The contention of the 5th respondent is that, he was in no way involved in the loan transaction with the 1st respondent. The principal debtor was the 4th respondent, who is his wife. Since the petitioner was neither a surety nor the principal debtor, no recovery could be made from his salary, it is contended. However, in view of the direction contained in the judgment sought to be reviewed, he has been informed that recovery could be made from his salary by the 1st respondent.

2. This review petition has been heard. The learned counsel for the petitioner as well as the learned Standing Counsel for KSRTC have no dispute regarding the fact that the 5th respondent was not involved in the loan transaction. Since the 5th respondent was not a surety to the transaction nor the principal debtor, no recovery from his salary could be effected. Therefore, this judgment in so far as it directs

recoveries to be made from the salary of the 5th respondent requires to be reviewed and clarified.

This review petition is, therefore, allowed. The judgment dated 13.08.2014 in W.P.(C).No.21059/2014 is reviewed and clarified to the extent of directing that, the recovery by the 1st respondent shall be made from the salary of the 4th respondent in the writ petition alone, and not from the salary of the 5th respondent.

Sd/-

K.SURENDRA MOHAN, JUDGE.

AV