

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

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

WP(C).No. 4226 of 2013 (C)

PETITIONER:

**T.A.ARCHANA, AGED 29 YEARS
W/O. LATE K.G. RAVEENDRAN NAIR, MATTATHIL HOUSE
(KAVANAL), NEAR MARADI UP SCHOOL, MOOVATTUPUZHA.P.O.**

**BY ADVS.SRI.P.K.BABU
SRI.S.P.SURESH KUMAR**

RESPONDENTS:

- 1. TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM-695001 REPRESENTED BY ITS SECRETARY.**
- 2. DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM-695001.**
- 3. DEPUTY DEVASWOM COMMISSIONER (ADMINISTRATION)
THIRUVANANTHAPURAM-695001.**
- 4. DEVASWOM BOARD EMPLOYEES CO-OPERATIVE SOCIETY LTD
E-759
PERUMBAVOOR-683542 REPRESENTED BY ITS SECRETARY.**
- 5. THE ASST. DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, THRIKKARIYOOR GROUP
THRIKKARIYOOR-686692.**

**R1 TO R3 & R5 BY ADV. SRI.A.N.RAJAN BABU, SC, TRAVANCORE
DEVASWOM BOARD
R4 BY ADVS. SRI.P.V.BABY
SRI. A.N. SANTHOSH
SRI.JOSHY THANNICKAMATTAM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-03-2015, ALONG WITH WPC. 7440/2013, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S) EXHIBITS :-

- EXT.P1 TRUE COPY OF THE APPOINTMENT ORDER NO. ROC 295/05/MISC.
DATED 12-6-2006 ISSUED BY THE 2ND RESPONDENT.
- EXT.P2 TRUE COPY OF THE LETTER NO. ROC 24567/12 DATED 28-1-13.
- EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 25-1-13 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :-

- EXT.R4(a) A TRUE PHOTOSTAT COPY OF THE MORTGAGE DEED DATED
29.11.2003
- EXT.R4(b) A TRUE PHOTOSTAT COPY OF THE UNDERTAKEN DATED 3.10.2007
GIVEN BY THE PETITIONER
- EXT. R4(c) A TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED
11.10.2004 ISSUED BY THE 4TH RESPONDENT TO THE BOARD
SECRETARY
- EXT.R4(d) A TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED
11.10.2004 ISSUED BY THE 4TH RESPONDENT TO THE ASSISTANT
DEVASWOM COMMISSIONER
- EXT.R4(e) A TRUE PHOTOSTAT COPY OF THE REQUEST DATED 18.10.2007
ISSUED BY THE FOURTH RESPONDENT TO THE ASSISTANT
DEVASWOM COMMISSIONER
- EXT.R4(f) A TRUE PHOTOSTAT COPY OF THE REQUEST DATED 17.12.2012
ISSUED BY THE 4TH RESPONDENT TO THE DEVASWOM
COMMISSIONER

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

**W.P.(C). Nos. 4226 of 2013 &
7440 of 2013**

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner in W.P.(C). No. 4226/2013 is the widow of the loanee and the petitioners in W.P.(C). No. 7440/2013 are the sureties. The loanee died and the recovery proceedings were initiated against the petitioners in both the writ petitions. The widow has already repaid a sum of Rs. 10,000/- and proceedings to recover the balance are pending.

2. The property devolved on the widow from her husband can be proceeded against. Similarly the attachable portion of the salary of the sureties can also be proceeded against. The sureties are entitled to sue for contribution against the widow. The amount paid by sureties can be recovered from the property devolved on her. It is upto the award holder society to decide the course of action.

3. The salary of the widow is proceeded against since she has owned up the liability in Ext. R4(b) undertaking. It is to be noted that the widow obtained compassionate employment on the death of her husband. Added to this is the fact that she obtained a sizable amount as compensation in the motor accident. The widow has also undertaken to wipe off the liability of her husband after paying Rs. 10,000/-. Therefore the society is justified in proceeding against the attachable portion of the widow also.

The writ petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

DCS