

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 3461 of 2015 (G)  
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PETITIONER(S)/PETITIONER:  
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O.J.JOSEPH, AGED 56 YEARS  
S/O. OUSEPH, STORE KEEPER  
KERALA STATE ROAD TRANSPORT CORPORATION  
REGIONAL WORKSHOP, MAVELIKKARA, ALAPPUZHA DISTRICT  
PIN-690101.

BY ADVS.SRI.C.P.SAJI  
SMT.P.DEEPA MOHAN

RESPONDENT(S)/RESPONDENTS:  
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1. THE MANAGING DIRECTOR,  
KERALA STATE ROAD TRANSPORT CORPORATION  
TRANSPORT BHAVAN, THIRUVANANTHAPURAM-695001.
2. THE BRANCH MANAGER  
STATE BANK OF TRAVANCORE, MAVELIKKARA MAIN BRANCH  
MAVELIKKARA-690 101, ALAPPUZHA DISTRICT.
3. THE BRANCH MANAGER  
STATE BANK OF TRAVANCORE, UZHAVOOR BRANCH  
KOTTAYAM DISTRICT, PIN-686 634.
4. THE BANKING OMBUDSMAN  
C/O. RESERVE BANK OF INDIA, BACKERY JUNCTION  
THIRUVANANTHAPURAM-695033.

R-R4 BY ADV. SRI.SATHISH NINAN  
R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS  
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EXHIBIT P1- TRUE COPY OF RELEVANT PAGES OF PASSBOOK OF THE PETITIONER  
ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P2- TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED TO THE PETITIONER  
BY THE GOVERNMENT TALUK AYURVEDA HOSPITAL MAVELIKKARA  
DATED 28-01-2015.

EXHIBIT P3- TRUE COPY OF THE REPRESENTATION DATED 09-01-2015 SUBMITTED  
BY THE PETITIONER TO THE 3RD RESPONDENT.

EXHIBIT P4- TRUE COPY OF THE COMPLAINT DATED 02-01-2015 FILED BEFORE THE  
BANKING OMBUDSMAN, THIRUVANANTHAPURAM BY THE PETITIONER.

EXHIBIT P5- TRUE COPY OF THE REPRESENTATION DATED 29-1-2015 SUBMITTED  
BEFORE THE 1ST RESPONDENT THROUGH PROPER CHANNEL BY THE  
PETITIONER.

EXHIBIT P6- TRUE COPY OF THE LETTER DATED 13-01-2015 ISSUED BY THE 3RD  
RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL.  
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//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

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W.P (C) No.3461 of 2015  
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Dated this the 5<sup>th</sup> day of March, 2015

J U D G M E N T

There is no arrears in respect of the housing loan availed by the petitioner from the third respondent Bank. But there are arrears in respect of the education loan availed by the petitioner from the third respondent Bank. This is precisely why the second respondent Bank has exercised a lien in the Savings Bank Account maintained by the petitioner.

2. The third respondent Bank shall furnish a statement of accounts to the petitioner after granting the eligible interest subsidy. The statement of accounts shall be furnished within a period of two weeks from today. The petitioner shall start repaying the amount in instalments within one month therefrom. This is in respect of the education loan alone since there is no dispute with regard to the housing loan.

3. The balance amount due in the education loan shall be paid in 6 equal monthly instalments starting from 30.4.2015. The coercive steps as against the petitioner shall be put on hold if the instalments are paid in time. The coercive steps can be initiated

if the petitioner commits default in the payment of any one of the instalments.

4. The mortgage executed in respect of the housing loan shall be extended to the education loan also as agreed. The third respondent Bank can exercise the lien over the property till both the loans are discharged.

5. The salary due to the petitioner is being credited in the second respondent Bank. The petitioner shall be allowed to operate the account from today if no instalments are defaulted by the petitioner.

The writ Petition is disposed of.

Sd/-  
V.CHITAMBARESH,  
Judge.

nj.