

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 10684 of 2008 (V)

PETITIONER :

A.G.REMANY, W/O.K.A.BHASKARAN AGED 54,
42 N.G.O.QUARTERS, MUVATTUPUZHA.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS :

1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
REPRESENTED BY ITS BRANCH MANAGER, ERNAKULAM
SOUTH BRANCH.
2. SPECIAL DEPUTY TAHSILDAR (RR), KERALA
STATE FINANCIAL ENTERPRISES LTD. KACHERIPADI
COCHIN.
3. SECRETARY, ARAKUZHA GRAMA PANCHAYAT,
ARAKUZHA.
4. COCHIN UNIVERSITY OF SCIENCE AND
TECHNOLOGY (CUSAT) REPRESENTED BY ITS SECRETARY.
5. AJOY. E.T., CLERICAL ASSISTANT
ADMINISTRATIVE OFFICE, COCHIN UNIVERSITY OF
SCIENCE AND TECHNOLOGY, COCHIN-22 REP.BY ITS
REGISTRAR.

R1 BY ADV. SRI.M.SASINDRAN, SC, K.S.F.E., LTD.

R4 BY ADVS. SRI.S.P.ARAVINDAKSHAN PILLAI,SC,CUSAT
SRI.P.M.A.KALAM,SC,
SRI.MILLU DANDAPANI, SC

R5 BY ADV. SRI.AJITH MURALI

R BY ADV.SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10684 of 2008 (V)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT ON 6.2.2007

EXT.P2 : COPY OF THE PROHIBITORY ORDER

EXT.P3 : COPY OF THE ORDER DT.12.2.2008 ISSUED BY THE SECOND RESPONDENT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.10684 of 2008

Dated this the 5th day of January, 2015

J U D G M E N T

The petitioner was the surety for a loan taken by the father of the 5th respondent. The principal debtor is no more. The petitioner filed this writ petition challenging recovery proceedings initiated against her by respondents 1 and 2. I notice that the interim order granted in this case was vacated on 11.04.2008. The petitioner being a surety to the loan transaction, has no right to complain when recovery proceedings are initiated against her consequent to default committed by the principal debtor. Therefore, I am not satisfied that the petitioner is entitled to the reliefs claimed in this writ petition. It is for the petitioner to satisfy the loan and then pursue appropriate proceedings against the properties of the 5th respondent for recovery of the amounts paid by her. Reserving the said liberty of the petitioner, this writ petition is dismissed.

Sd/-

K.SURENDRA MOHAN, JUDGE.

AV