

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

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

WP(C).No. 7657 of 2014 (F)

PETITIONER:

VILAPPIL SERVICE CO-OPERATIVE BANK LIMITED
NO.2522, PEYAD, THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY ITS SECRETARY, ANIL KUMAR,
S/O.MADANAPPAN NAIR, AGED 53 YEARS.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

1. THE HEADMISTRESS, N.S.S.K.P.T. VOCATIONAL
HIGHER SECONDARY SCHOOL,
OTTAPALAM, PALAKKAD DISTRICT.
2. DILEEP KUMAR B.R.
MADATHIL PUTHAN VEEDU,
CHOWALLOOR, PULIYARAKONAM P.O.
THIRUVANANTHAPURAM DISTRICT.

R1 BY ADV. SRI.P.GOPAL
R2 BY ADV. SMT.T.S.MAYA (THIYADIL)
R2 BY ADV. SRI.D.S.SREEKUMARAN

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

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE NON-LIABILITY CERTIFICATE ISSUED BY THE 1ST RESPONDENT IN FAVOUR OF THE 2ND RESPONDENT
- EXT.P2: TRUE COPY OF THE REQUISITION ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 25.9.2009 UNDER SECTION 37 OF THE KERALA CO-OPERATIVE SOCIETIES ACT.

RESPONDENT(S)' EXHIBITS

- EXT.R1(a) TRUE COPY OF THE LETTER ISSUED BY 1ST RESPONDENT TO THE HEADMISTRESS, N.S.S. HIGH SCHOOL, MANNOOR DATED 14.05.2014.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7657 OF 2014

Dated this the 5th day of January, 2015

JUDGMENT

The second respondent is alleged to have availed loan from the petitioner and committed default in repayment. The Writ Petition has been filed seeking a direction to the first respondent to recover the amounts due from the salary of the second respondent. The first respondent is the Headmistress of an Aided School of which the second respondent is a full time menial.

2. A Writ Petition of this nature is not maintainable in view of **Chengamanad Service Co-operative Bank Ltd. Vs. Mohanan [2009 (3) KLT 623]**. Therefore no relief of the nature sought could be granted in this Writ Petition.

3. The second respondent contends that substantial amounts have been paid by him towards the loan availed of. The petitioner shall issue a statement of accounts to the second respondent giving credit to the payments hitherto made within a period of one month from today.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**