

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. 7659 of 2014 (F)

PETITIONER:

VILAPPIL SERVICE CO-OP. BANK LTD. 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 SUPERINTENDENT, TECHNICAL HIGH SCHOOL,
NEDUMANGAD, MANCHA P.O.
THIRUVANANTHAPURAM DISTRICT.
2. JOY P.T., JOY BHAVAN, MANCHIRA, CHOOZHA,
ARYANAD P.O., THIRUVANANTHAPURAM DISTRICT.
3. S. SURESH KUMAR, SARASOMA,
KATTAKODE, KATTAKADA P.O.,
THIRUVANANTHAPURAM DISTRICT.

R1, R2 & 3 BY ADV. SRI. R. T. PRADEEP

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 RESPECT OF THE 2ND RESPONDENT.
- EXT.P2: TRUE COPY OF THE NON-LAIBILITY CERTIFICATE ISSUED BY THE 1ST RESPONDENT IN RESPECT OF THE 3RD RESPONDENT.
- EXT.P3: TRUE COPY OF THE REQUISITION ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 3/11/2007 UNDER SECTION 37 OF THE KERALA CO-OPERATIVE SOCIETIES ACT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7659 OF 2014

Dated this the 5th day of January, 2015

JUDGMENT

The issue is covered by **Chengamanad Service Co-operative Bank Ltd. Vs. Mohanan [2009 (3) KLT 623]**. The Writ Petition filed by a creditor bank to effect recovery of amounts from the sureties is not maintainable. No relief could be granted to the petitioner especially since the principal loanee is not on the party array.

The Writ Petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

ncd