

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 10771 of 2015 (V)

PETITIONER(S):

**THRESIAMMA S.,
AISWARYA BHAVANAM, BHARANICKAVU P.O., MAVELIKARA.**

**BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN
SMT.PARVATHY NAIR**

RESPONDENT(S):

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LTD.,
REPRESENTED BY MANAGER, HARIPAD BRANCH,
ALAMPALLIL BUILDING, NEAR KSRTC BUS STATION,
HARIPAD - 690 514.**
- 2. V.K.RAJAN,
VARAYANNUR PUTHENVEETIL, KATTANAM, PALLICKAL P.O.,
ALAPPUZHA DISTRICT - 690 563.**

**R1 BY ADVS. SRI.P.V.LONACHAN, SC
SRI.ALEXANDER.C.V., SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10771 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1:A TRUE COPY OF THE LETTER DATED 20.11.2014 ISSUED BY THE
1ST RESPONDENT TO THE HEADMISTRESS, POPE PIOUS XITH HIGH
SCHOOL, KATTANAM.**

EXT.P2:A TRUE COPY TAX RECEIPT IN THE NAME OF THE 2ND RESPONDENT.

**EXT.P3:A TRUE COPY OF REPRESENTATION MADE BY THE PETITIONER TO THE
1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A. MUHAMED MUSTAQUE, J.

W.P.(C). No. 10771 of 2015

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner is working as a Clerk. The petitioner was the guarantor to chitty subscribed by the 2nd respondent, who is none other than her husband. On account of default made by the 2nd respondent, petitioner's salary is proposed to be attached. The petitioner approached this Court against the proposal for attachment of her salary.

2. It is pointed out by the petitioner that, she lives apart from her husband. The petitioner's husband is having property in Sy.Nos.598/10-4, 598/8 in Kattanam Village and therefore the 1st responded shall proceed against the property belongs to the 2nd respondent.

3. The liability of surety is also coextensive with the principal borrower. However, taking note of the fact that she is drawing only net salary of ₹18,500/- and she is looking after two children, I am of the view that, the 1st respondent shall attempt to recovery the amount proceedings against the property belongs to the 2nd respondent. It is seen from the Encumbrance Certificate

that, no encumbrance is created over the property. That view of the matter, the 1st respondent shall proceed against the property belonging to the 2nd respondent. However in the event, the 1st respondent is not able to realise the amount from the 2nd respondent through the revenue recovery proceedings to be initiated against his property, the 1st respondent is free to proceed against the petitioner. The 1st respondent therefore directed to make necessary requisition before the Tahsildar concerned to proceed under the Revenue Recovery act.

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.