

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 14989 of 2015 (W)

PETITIONER(S) :

**ABHILASH PRESANNAN, AGED 31 YEARS,
S/O.PRESANNAN, S.N.HOUSE, PUTHENCHENTHA,
VARKALA P.O. & TALUK, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.BALACHANDRAN (VARKALA)
SRI.T.SABDUL KHADER**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. INDIAN OVERSEAS BANK,
REPRESENTED BY ITS BRANCH MANAGER, VETTOOR BRANCH,
VETTOOR P.O., VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT.**

**R1 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R2 BY ADV. SRI.SUNIL SHANKAR, SC, INDIAN OVERSEAS BANK**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 14989 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE STATEMENT OF ACCOUNT 0770032 FROM
21.07.2003 TO 08/10/2014 ISSUED TO PETITIONER BY IOB,
VETTOOR BRANCH.**

**EXHIBIT-P2: TRUE COPY OF DEATH CERTIFICATE NO.DO 390167-1407191
DATED 22/07/2014 OF PETITIONER'S FATHER- PRASANNAN.**

**EXHIBIT-P3: TRUE COPY OF PL CASE NO.631/2014 FILED BY RESPONDENT-
BANK, VETTOOR BRANCH AGAINST THE PETITIONER BEFORE
THE TALUK LEGAL SERVICES AUTHORITY, ATTINGAL.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 14989 of 2015 (W)

Dated this the 2nd day of July, 2015

J U D G M E N T

The petitioner was before this Court under Article 226 of the Constitution of India alleging certain discrepancies in the account, which is produced at Ext.P1. The primary contention was that the loan was for Rs.3,50,000/- and the balance shown on disbursement is Rs.3,67,510/-, as is disclosed in Ext.P1 statement of accounts.

2. The respondent Bank has filed a statement, in reply, specifically contending that the loan was availed on 21.7.2003 and at that point of time the Bank was maintaining manual accounts. The same was converted into the software system only in 2004. In such circumstance, the debit shown on 21.7.2003 was the disbursement of Rs.3,50,000/- and the interest component up to December, 2003. The interest, said to have been debited on 31.3.2004, is only with respect to the first quarter of 2004, is the

contention. In any event, these are not contentions which should be raised in a petition under Article 226 of the Constitution of India.

3. One other matter that assumes significance is that on the very same issue the petitioner is said to have filed a suit as O.S. No.450/2014 before the Munsiff's Court, Varkkala, against the Bank for mandatory and prohibitory injunction. The said fact has not been disclosed in the writ petition. The petitioner admits the same in the reply filed in the above case. In such circumstance, the petitioner is guilty of suppression of facts.

The writ petition hence would stand dismissed with exemplary cost of Rs.5,000/- (Rupees five thousand only) which the Bank would be free to debit to the account of the petitioner.

Sd/-
K.VINOD CHANDRAN,
JUDGE