

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

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

WP(C).No. 16019 of 2015 (B)

PETITIONER :

**K.Y.THOMAS, AGED 65 YEARS,
S/O.YOHANNAN, RESIDING AT THEKKEDATHUPARAMBIL HOUSE,
MANJOOR P.O., OONNUKALLEL, KOTTAYAM DISTRICT.**

BY ADV. SRI.SURESH JOSE

RESPONDENTS :

- 1. STATE BANK OF TRAVANCORE
REPRESENTED BY ITS MANAGER,
PANAMBILLY BRANCH, ERNAKULAM - 682014**
- 2. STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS MANAGER, BROADWAY BRANCH
ERNAKULAM - 682031**
- 3. MS.REMYA THOMAS, AGED 24 YEARS, D/O.K.Y.THOMAS
RESIDING AT THEKKEDATHUPARAMBIL HOUSE, MANJOOR P.O.,
OONNUKALLEL, KOTTAYAM DISTRICT.**

R1 & R2 BY ADV. SRI.SATHISH NINAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE REPRESENTATION DATED 1.4.2015.

**EXHIBIT-P2: TRUE COPY OF LOAN DISCHARGE GUOTA ISSUED BY THE
RESPONDENT BANK DATED 13.4.2015.**

**EXHIBIT-P3: TRUE COPY OF THE RECEIPT FROM THE SOUTH INDIAN BANK
PUTHUPALLY BRANCH ATM COUNTER.**

RESPONDENT(S) EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J.

W.P.(C) No. 16019 of 2015 (B)

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner has filed the above writ petition on the ground that the 2nd respondent is attempting to debit the petitioner's pension account, maintained with the State Bank of Travancore (for brevity 'Bank'), Broadway Branch, Ernakulam, for satisfaction of an educational loan availed by his daughter, the 3rd respondent.

2. The petitioner, admittedly availed an Educational Loan for his daughter, who is the 3rd respondent herein. The said loan was availed jointly by the petitioner and the 3rd respondent from the Panampilly Nagar Branch of the Bank. The petitioner has a Savings Bank Account at the Broadway Branch, to which his pension payments are being credited. The petitioner also has a loan account with the Broadway Branch; the repayment of which, as per the standing instruction issued by the petitioner, is being

debited from the Savings Account. There is no dispute on the above facts.

3. The learned counsel for the respondent Bank has filed a statement and produced Ext.R1(a), a debit voucher of Rs.9,000/- issued by the Bank, that is a debit made by the petitioner, whose signature is available overleaf from the Savings Bank Account, for credit to the Educational Loan, which is said to have been declared NPA. The petitioner submits that the Debit Voucher is a fraudulent one.

4. If that is so, the petitioner has to approach the Civil Court for appropriate remedy. In any event, the learned counsel appearing for the 2nd respondent Bank submits that the Panampilly Nagar Branch and Broadway Branch being of the very same Bank, the respondent Bank is entitled to exercise lien over the credits standing in the name of the petitioner for the defaulted amount in the loans availed of from the Bank. This Court does not find any reason to hold again any exercise of such general lien; if at

all made, the petitioner's contentions are unsustainable and in any event not possible of resolution here.

Writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE

jjj