

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 18603 of 2015 (A)

PETITIONER:

SHERLY VARGHESE,
WIFE OF SHAJI VARGHESE, PUTHEN PURAKKAL HOUSE,
AYIRANALLOOR VILLAGE, AYIRANALLOOR MURI,
PATHANAPURAM TALUK, KOLLAM DISTRICT, KERALA STATE.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.SREEKUMAR (KOLLAM)
SRI.S.JOSE
SRI.S.BIJU (KIZHAKKANELA)

RESPONDENTS:-

1. THE SPECIAL SALE OFFICER,
KOLLAM DISTRICT CO-OPERATIVE BANK LIMITED, MAIN ROAD,
KOLLAM - 691 001.
2. THE BRANCH MANAGER,
KOLLAM DISTRICT CO-OPERATIVE BRANCH LIMITED, PUNALUR
KOLLAM.
3. JIJI VARGHESE,
RESIDING IN JIJI VARGHESE, SOUPARNIKA, T.C 8/938,
AER, 193, THIRUMALA P.O.,
ARAYALLOOR, TRIVANDRUM - 695 006.

R2 BY ADV. SRI.T.R.HARIKUMAR, SC, KOLLAM DISTRICT
CO-OPERATIVE BANK LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 18603 of 2015 (A)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. A TRUE COPY OF THE LETTER NO.SSO/IV/2015 DATED 11.06.2015
ISSUED BY THE FIRST RESPONDENT TO THE SECOND RESPONDENT WITH
ENGLISH TRANSLATION.

EXHIBIT P2. A TRUE COPY OF THE RELEVANT PAGE OF THE RATION CARD OF THE
PETITIONER'S FAMILY WITH ENGLISH TRANSLATION.

EXHIBIT P3. A TRUE COPY OF THE REPRESENTATION DATED 16.06.2015
SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

rv

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 18603 of 2015

Dated this the 16th day of September, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Bank, apart from perusing the record.

2. The petitioner, being the wife of the third respondent's brother, has a grievance that though neither her husband nor she herself has anything to do with the loan borrowed by the third respondent, now the respondents 1 and 2 seek to attach her immovable properties. That the original borrower, the brother-in-law of the petitioner, can be proceeded against is the contention.

3. Today at the Bar, the learned counsel for the petitioner has submitted that the petitioner has already filed a claim petition before the first respondent, and that the writ petition may be disposed of with a direction to the first respondent to consider it in accordance with law.

4. The learned counsel for the respondent Bank, on his part, has submitted that it is entirely for the first respondent to consider the petitioner's application, if any, in accordance with law.

Having regard to the submission of the learned counsel for the petitioner and the learned counsel for the respondent Bank, this Court disposes of the writ petition, leaving it open for the first respondent to take appropriate decision on the petitioner's claim petition, if received and pending, at the earliest. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

