

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 25024 of 2015 (C)

PETITIONER : -

TESSY, AGED 56 YEARS,
W/O.RAMESAN, VELIMPADATH,
AYYAMPILLY P O,
ERNAKULAM DISTRICT, PIN 682501.

BY ADVS.SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE
SRI.T.KOSHY

RESPONDENTS: -

1. THE SENIOR INSPECTOR/SPECIAL SALE OFFICER,
ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD,
KAKKANAD P O, KOCHI 682030.
2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL),
KAKKANAD P O, KOCHI 682030.
3. ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD,
KUZHUPPILLY BRANCH, AYYAMPILLY P O, PIN 682501
REP BY ITS BRANCH MANAGER

BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR
BY SMT.I.SHEELA DEVI, SC, ERNAKULAM DIST.CO.OP.BANK LTD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25024 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE CERTIFICATE ISSUED FROM KUSUMAGIRI
MENTAL HEALTH CENTRE DATED 13/7/2011.

EXHIBIT P2 : TRUE COPY OF CERTIFICATE DATED 27/3/2015 FROM THE
KUSUMAGIRI MENTAL HEALTH CENTRE SHOWING THE
CONTINUANCE OF TREATMENT.

EXHIBIT P3 : TRUE COPY OF DEMAND NOTICE DATED 23/7/2015.

EXHIBIT P4 : TRUE ENGLISH TRANSLATION OF EXT P3.

EXHIBIT P5 : TRUE COPY OF THE APPLICATION DATED 12/8/2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 25024 of 2015

Dated this the 18th day of September, 2015

JUDGMENT

The petitioner, wife of one Mr.V.K. Ramesan, contends that her husband, a borrower from the third respondent Bank, is mentally unsound having been afflicted with Bipolar disorder. According to her, the loan allegedly contracted by him and the award subsequently passed in A.R.C. No.234/2010 by the second respondent are null and void. She has also sought a mandamus to the respondents not to proceed against the mortgaged property for the recovery of the loan.

2. Today, at the bar, the learned counsel for the petitioner has submitted that the issue of insanity or the incapacity of the petitioner's husband to contract is a question of fact to be determined before an appropriate forum. According to him, the petitioner is willing to initiate

the necessary judicial proceedings in that regard. At any rate, to enable herself to prosecute the issue further, the petitioner, contends the learned counsel, needs a copy of the award and also a copy of the original loan agreement which are with the second and third respondents respectively. Thus, the learned counsel has limited the prayer to the extent that the second and third respondents be directed to supply the copies of the award and the loan agreement respectively to the petitioner so as to enable her to take necessary further steps.

3. The learned Government Pleader and the learned counsel for the third respondent have agreed that the respondents do not have any objection to supply copies to the petitioner as asked for.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner, the learned Government Pleader, as well as the learned counsel for the third respondent, this Court, without expressing any opinion on the merits of the matter, disposes of the present writ petition with a direction to the second and third respondents to supply copies of the award and the loan

agreement respectively to the petitioner, as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-