

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 29658 of 2015 (F)

PETITIONERS:

1. JOHNSON K.G., AGED 44 YEARS,
S/O. GEORGE K.J, KUDUMBAVILAYIL HOUSE, MANIPPARA P.O.,
KARIMPAN, IDUKKI.
2. GOPALAKRISHNAN, AGED 59 YEARS,
S/O. GOVINDAN NAIR, NJARAKKANNATH HOUSE, MANIPPARA P.O.,
IDUKKI.
3. DELIGHT JOHN, AGED 45 YEARS,
S/O JOHN, VALIYAVEETIL HOUSE, CHELACHUVADU
IDUKKI.
4. PRATHAP KUMAR, AGED 47 YEARS,
S/O.RAGHAVAN, PEELIYANICKAL HOUSE, MANIYARAMKUDY,
IDUKKI.
5. MANOJ C.R., AGED 30 YEARS,
S/O. RAMAKRISHNAN, CHELAPLACKAL HOUSE, KARIMPAN,
IDUKKI.
6. LISSY GEORGE, AGED 46 YEARS,
W/O.GEORGE, THEKKEMALIL HOUSE, THADIYAMPAD,
IDUKKI.
7. GIREESH,
S/O. KRISHNAN, CHAMAKKATTUKUNNEL, THADIYAMPADU,
IDUKKI.
8. BABU GEORGE, AGED 50 YEARS,
S/O.GEORGE, PALAKKAL HOUSE, KARIMPAN,
IDUKKI.
9. SIJO JOSE, AGED 36 YEARS,
S/O.JOSE, NANMELIL HOUSE, KARIMPAN,
IDUKKI.

BY ADVS.SRI.GEORGE SEBASTIAN
SRI.RAJESH RAJAN

RESPONDENTS:

1. THE DEPUTY REGISTRAR/SPECIAL ARBITRATOR
CUM SPECIAL SALE OFFICER,
KERALA STATE CO-OPERATIVE BANK, REGIONAL OFFICE,
ERNAKULAM - 682 035.
2. THE KERALA STATE CO-OPERATIVE BANK LIMITED,
IDUKKI BRANCH, REPRESENTED BY ITS MANAGER - 685 602.

R2 BY ADV. SRI.GEORGE POONTHOTTAM, SC
R BY SRI. K.C. VINCENT, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 29658 of 2015 (F)

Dated this the 7th day of October, 2015.

JUDGMENT

Heard both sides.

2. Nine persons have come together to file the writ petition ventilating their grievance that the second respondent Bank has been initiating coercive steps to recover the outstanding amounts in their respective loan accounts.

3. The learned counsel for the second respondent has, as a preliminary objection, submitted that all the nine petitioners have distinct and different causes of action. He has further contended that petitioners 5 to 8 have so far not been issued with any notice. It is premature on the part of them.

4. At any rate, this Court finds merit in the contention of the learned counsel for the second respondent that the petitioners could not come together to file a single writ petition having different causes of action, for they have their independent contracts with the second respondent. The writ petition in the present form may lead to multifariousness, which is impermissible.

5. At this juncture, the learned counsel for the petitioners has sought leave of this Court to have the writ petition dismissed as withdrawn with liberty granted to the petitioners to file individual writ petitions.

6. The liberty is granted.

In the facts and circumstances, this Court dismisses the writ petition as having withdrawn by the petitioners. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

/True Copy/

P.A to Judge.

