
(2023) 07 KL CK 0121

In the High Court Of Kerala

Case No : Writ Petition (C) No. 9902 Of 2023

Rajina P.K.Vs Iritty House Building Co Op. Society Ltd

Date of Decision : 14-07-2023

Acts Referred:

Citation : (2023) 07 KL CK 0121

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : A.N.Sathish Kumar

Final Decision : Dismissed

Judgement

Gopinath P, J

1. The petitioner availed two credit facilities from the respondent Bank. On default being committed, proceedings were initiated against the petitioner under the provisions of the Kerala Revenue Recovery Act to recover amounts. The writ petitioner is a guarantor in respect of a loan availed by her husband from the first respondent Society. The petitioner has approached this Court challenging the recovery proceedings initiated by the first respondent to recover the amount due under that loan.

2. When this matter came up for consideration on 21.03.2023, this Court passed the following interim order:-

Admit. Issue notice to the respondents by speed post.

There will be an interim order as prayed for, for a period of three months on condition that the petitioner remits a sum of Rs.1,00,000/- (Rupees One Lakh Only) towards the loan liability, within a period of one month from today.

Thereafter the matter was listed on 26.06.2023, on which date it was adjourned to be listed on 03.07.2023. On 03.07.2023, the matter was adjourned to be listed on 04.07.2023. On 04.07.2023, having considered the submission of the learned Counsel appearing for the first respondent that the condition imposed on the interim order dated 21.03.2023 had not been complied with, I had proceeded

to dictate the judgment, dismissing the writ petition. On the basis of the submission made by the learned Counsel for the petitioner that every effort will be made to pay the amount as a condition imposed while granting the interim order dated 21.03.2023, the matter was adjourned to be listed today. Even today, it is the submission of the learned Counsel appearing for the first respondent that the amount of Rs.1,00,000/- (Rupees One Lakh Only), directed to paid in terms of the interim order dated 21.03.2023, was not been paid by the petitioner.

3. The reliefs sought for in the writ petition are the following:

- (i) To issue a writ of mandamus or other appropriate writ or order directing the respondent bank to restructure the loan account of the petitioner's husband and permit him to pay the overdue amount in convenient monthly instalment.
- (ii) Grant such other relief as this Hon'ble Court may consider just and proper in the interest of justice, including costs.
- (iii) To dispense English translation of the Malayalam documents.

The petitioner has not demonstrated any bonafides warranting the exercise of jurisdiction under Article 226 of the Constitution of India for grant of the aforesaid reliefs. The Writ Petition fails and it is accordingly dismissed.