

(2023) 09 KL CK 0046

In the High Court Of Kerala

Case No : Writ Petition (C) No. 29082 Of 2023?? W.P.(C). No. 29082 of 2023

Yeshodha

APPELLANT

Vs

Regional Head South Indian Bank

RESPONDENT

Date of Decision : 07-09-2023

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2023) 09 KL CK 0046

Hon'ble Judges : Dinesh Kumar Singh, J

Bench : Single Bench

Advocate : Suseel M.Menon, U.K.Devidas

Final Decision : Disposed Of

Judgement

Dinesh Kumar Singh, J

1. The present writ petition is filed seeking to set aside Exhibit P5 gold recall notice and all proceedings pursuant to the same.
2. The petitioner had availed two gold loans from the second respondent Bank for Rs.4,88,000/- and Rs.1,20,000/- by pledging 137.1 and 35.1 grams of gold respectively.
3. Subsequently, when the petitioner approached the second respondent to close the above two loan accounts, the 2nd respondent declined the same for the reason that another loan took by her deceased husband in the year 2017 was made an NPA on 30.08.2022 and that the petitioner is the co-borrower in that loan. Her husband died on 01.10.2019.
4. Thereafter, the Bank has filed O.S. No. 66 of 2023 before the Munsiff's Court, Chittoor for recovery of the outstanding amount of the loan availed by the deceased husband of the petitioner, and the same is pending consideration. The petitioner has also issued with Exhibit P5 notice dated 05.08.2023. Hence this writ petition.

5. I do not find jurisdictional error or any other legal infirmities warranting interference of this Court under Article 226 of the Constitution of India to interfere with the pending suit. The petitioner may take all the pleas in her written statement in the said suit.

The writ petition is devoid of any merits and therefore, it is dismissed.