

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

THURSDAY, THE 31ST MARCH 2011 / 10TH CHAITHRA 1933

WP(C).No. 9840 of 2011(D)

PETITIONER(S):

M.K.RAJAPPAN, S/O.K.KUTTAPPA PANIKER,
AGED 49 YEARS, BOIKER OPERATOR,
K.S.R.T.C.REGIONAL WORKSHOP, MAVELIKKARA,
ALAPPUZHA DISTRICT, RESIDING AT PUTHUPPURACKAL
HOUSE, PELA P.O., MAVELIKKARA, ALAPPUZHA DISTRICT.

BY ADV. SMT.S.L.SYLAJA

RESPONDENT(S):

1. KERALA STATE ROAD TRANSPORT WORKER'S
CO-OPERATIVE SOCIETY LTD.NO.T.133,
REPRESENTED BY ITS SECRETARY,
SS KOVIL ROAD, THAMPANOR, THIRUVANANTHAPURAM-
695 004.
2. THE WORKS MANAGER,
K.S.R.T.C, REGIONAL WORK SHOP,
MAVELIKKARA, ALAPPUZHA DISTRICT-688 001.
3. B.RAMAKRISHNA PILLAI,
NITHYACHAITHANYA, VADAKKUMTHALAKIZHAKKE,
PANAYANNARKAVU P.O., KARUNAGAPPALLY-690 518.
4. O.KUNJUMON,
EDAKKADAVIL, MANJADITHARA,
PALLIKKAL P.O., MAVELIKKARA-690 101.

ADV. SHRI.N UNNIKRISHNAN FOR R1
SRI.V.V.NANDAGOPAL NAMBIAR, SC KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/03/2011, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.N.RAVINDRAN, J.

W.P(C).No.9840 of 2011

Dated this the 31st March, 2011

JUDGMENT

The petitioner and the 4th respondent were sureties to a loan availed by the 3rd respondent, a former employee of the Kerala State Road Transport Corporation from the first respondent society. It appears the 3rd respondent retired from service in the year 2004 and without settling the loan availed by him from the first respondent society he also received the terminal benefits. Long thereafter the first respondent took steps to proceed against the petitioner. His salary was attached to the extent of Rs.1,500/- per mensem. The petitioner thereupon sent Ext.P3 letter to the first respondent society with copy to the second respondent, his superior officer, requesting that the attachment of his salary may be lifted. The instant writ petition is filed seeking a declaration that the respondents cannot initiate revenue recovery proceedings without settling the accounts and restraining the respondents from proceeding against the petitioner.

2. The petitioner does not dispute the fact that he and the

4th respondent were sureties to a loan availed by the 3rd respondent. Under section 126 of the Contract Act the petitioner and the 4th respondent are jointly and severally liable along with the 3rd respondent for repayment of the loan. It is evident from the materials presently on record that the 3rd respondent has not repaid the loan. Such being the situation the petitioner cannot complain about the steps taken by the creditor to proceed against him by attaching the salary. The petitioner has no case that the attachment has been effected beyond the limits. I therefore find no grounds to entertain the writ petition.

The writ petition fails and is accordingly dismissed.

**P.N.RAVINDRAN,
Judge.**

ahg.

P.N.RAVINDRAN, J.

W.P(C).No.9840 of 2011

JUDGMENT

31st March, 2011