

S.Mridula Kumari vs the Kerala State Handicapped Persons Development Corporation Limited

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Court : Kerala

Decided On : Apr-04-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/38490/2016

Appellant : S.Mridula Kumari

Respondent : The Kerala State Handicapped Persons Development Corporation Limited

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 4TH DAY OF APRIL 2023 / 14TH CHAITHRA, 1945
PETITIONER: S.MRIDULA KUMARI D/O. VELAPPAN NAIR, HILL
VIEW, KUMARAPURAM, MEDICAL COLLEGE P.O,
THIRUVANANTHAPURAM. BY ADV SRI.B.MOHANLAL
RESPONDENTS:

1 THE KERALA STATE HANDICAPPED PERSONS DEVELOPMENT CORPORATION LIMITED POOJAPPURA, THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR - 695012 2 THE NATIONAL HANDICAPPED PERSONS FINANCE DEVELOPMENT CORPORATION (NHFDC), MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, RED CROSS BHAVAN, SECTOR-12, FARIDABAD - 121 007, REPRESENTED BY ITS ASSISTANT GENERAL MANAGER (FINANCE). BY ADV SRI.N.R.SURESH KUMAR - R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C)No. 38490 of 2016
----- Dated this the 04th day of April, 2023

JUDGMENT

The above writ petition is filed with the following prayers: (i) To call for the records leading to Ext.P2 and P4 Demand made by the Respondents towards the Respondents for Book Binding Unit and to issue a writ of certiorari or other appropriate writ order or direction quashing Ext.P2 and P4 Demands as illegal and is barred by law of limitation.

(ii) To issue a writ of mandamus or other

appropriate writ, order or direction commanding the Respondent not to initiate any Recovery Proceedings against the Petitioner pursuant to Ext.P2 and P4 towards the liability of the loan availed by the Petitioner from the Respondent for Book Binding Unit.

(iii) To declare that Ext.P2 and P4 Demand

made by the Respondents after 9 years towards the Respondents for Book Binding Unit is hopelessly barred by the Law of Limitation as held by the Full Bench of this Hon'ble Court in 2014(4) KHC Page- 518 in Raveendran Vs. State of Kerala and Others.

(iv) To declare that the Petitioner is not liable

to pay the amount demanded by the Respondents pursuant to Ext.P2 and P4 towards the liability of the loan availed by the Petitioner from the Respondents for Book Binding Unit.

(v) To issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.[SIC]

2. When this writ petition came up for

consideration, the counsel appearing for the 1st respondent submitted that the matter is settled and the loan account is closed. If that is the case, nothing survives in this case. Recording the above submission, this writ petition is closed. Sd/- P.V.KUNHIKRISHNAN DM JUDGE APPENDIX OF WP(C) 38490/2016 PETITIONER EXHIBITS EXHIBIT P1 THE TRUE COPY OF THE RECEIPTS ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER. EXHIBIT P2 THE TRUE COPY OF THE NOTICE NO:209/HPWC DATED 26/07/2016 RECEIPTS ISSUED BY THE RESPONDENT TO THE PETITIONER. EXHIBIT P3 THE TRUE COPY OF THE JUDGMENT DATED THIS HON'BLE COURT.

EXHIBIT P4 THE TRUE COPY OF THE ORDER

NO:209/2002/B1/KSHPWC LTD. DATED TO THE PETITIONER. RESPONDENT EXHIBITS EXHIBIT R1(A) TRUE COPY OF THE LOAN AGREEMENT DATED EXHIBIT R1(B) TRUE COPY OF LETTER OF GUARANTEE FURNISHED BY THE PETITIONER IN FAVOUR OF THE 1ST RESPONDENT. EXHIBIT R1(C) TRUE COPY OF THE DEMAND PROMISSORY NOTE DATED 6/6/2002. EXHIBIT R1(D) TRUE COPY OF THE MEMORANDUM OF DEPOSIT OF TITLE DEEDS. EXHIBIT R1(E) TRUE COPY OF THE APPLICATION FURNISHED BY THE PETITIONER TO THE 1ST //TRUE COPY// PA TO JUDGE

