

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 5TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) . NO.9114 OF 2020

PETITIONER :

GEORGE JOSEPH,
AGED 60, S/O LATE P.V.LONAN,
RESIDING AT CC NO 27/2177,
PUTHENPURACKAL HOUSE, K-26,
KRUPALAYAM, KADAVANTHRA.P.O,
ERNAKULAM - 682 020

BY ADV.DR.MATHEW A KUZHALANADAN
K.R.ARUN KRISHNAN
SUDEEP ARAVIND PANICKER

RESPONDENTS:-

1. STATE BANK OF INDIA, COCHIN SHIPYARD BRANCH
PB NO.1655, M.G. ROAD, PERUMANOOR
ERNAKULAM - 682 015 REP BY ITS BRANCH MANAGER.
2. AUTHORIZED OFFICER, LOAN SECTION,
STATE BANK OF INDIA, FIRST FLOOR,
VANKADATHU TOWERS, NH BYE-PASS JUNCTION,
PADIVATTOR, ERNAKULAM - 682 025

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
05.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING :

BECHU KURIAN THOMAS, J

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WP(C) NO. 9114 OF 2020

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DATED THIS THE 5th DAY OF May, 2020

ORDER

Standing counsel for the Bank shall get instructions and file a statement as to whether the property mortgaged by the petitioner is covered by Ext.P1 deed of will bearing no. 5664/2011. If it is so covered, the statement shall also mention as to what interdicts the Bank from handing over the documents of title to the petitioner especially in the light of Ext.P4.

2. If the amounts due under the loan account have been cleared as is stated in Ext.P4, then certainly it was incumbent on the part of the 1st respondent to have returned the documents of title without any delay. It does not augur well for the 1st respondent and its Officers to retain documents of title without authority of law.

Post on 12.05.2020.

BECHU KURIAN THOMAS

JUDGE

Nsd

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : A TRUE COPY OF REGISTERED WILL BEARING NO 566 OF 2011 DATED 14-12-2011 OF ERNAKULAM S.R.O.

EXT.P2 : A TRUE COPY OF SALE DEED BEARING NO 5290/1999 OF ERNAKULAM SRO DATED 20-12-2004.

EXT.P3 : A TRUE COPY OF EXCHANGE DEED EXECUTED BETWEEN P.V.LONAN AND P.SATHYARAJAN DATED 27-09-1999.

EXT.P4 : A TRUE COPY OF LETTER DATED 15-01-2020 ISSUED BY THE 1ST RESPONDENT.

EXT.P5 : A TRUE COPY OF AFFIDAVIT SWORN BY THE PETITIONER DATED 16-01-2020.

EXT.P6 : A TRUE COPY OF AFFIDAVIT SWORN BY MRS. MERCY PAUL DATED 21-02-2020.

EXT.P7 : A TRUE COPY OF AFFIDAVIT SWORN BY MR.JOHNSON DATED 22-02-2020.

EXT.P8 : A TRUE COPY OF AFFIDAVIT SWORN BY MRS. MOLLY JOHN DATED 21-02-2020.

EXT.P9 : A TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER TO THE RESPONDENTS DATED 17-03-2020.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY//

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P.S. TO JUDGE