IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP(C).No. 974 of 2015 (O)

O.S.NO.179/2014 OF MUNSIFF'S COURT, VARKALA.

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PETITIONER:

SAJMA, W/O.SHANOOJ,
KARODE MELATHIL VEEDU,
KULAMUTTOM DESOM,
MANAMBUR VILLAGE, VARKALA.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT(S):

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1. JALEELA, W/O.KABEER, ROJA MANZIL,
KULAMUTTOM, KAVALAYOOR DESOM,
MANAMBOOR VILLAGE, VARKALA,
THIRUVANANTHAPURAM DISTRICT - 695 144.

2. ROJA, D/O.KABEER, ROJA MANZIL,
KULAMUTTOM, KAVALAYOOR DESOM,
MANAMBOOR VILLAGE, VARKALA,
THIRUVANANTHAPURAM DISTRICT - 695 144.

3. ROSHAN, S/O.KABEER, ROJA MANZIL,
KULAMUTTOM, KAVALAYOOR DESOM,
MANAMBOOR VILLAGE, VARKALA,
THIRUVANANTHAPURAM DISTRICT - 695 144.

4. THE MANAGER, THOPPIL FINANCE, KAVALAYOOR,
MANAMBOOR VILLAGE, VARKALA,
THIRUVANANTHAPURAM DISTRICT - 695 144.

5. SHANOOJ, S/O.ABDUL RASHEED,
KARODE MELATHIL VEEDU, KULAMUTTOM,
MANAMBOOR VILLAGE, VARKALA TALUK,
THIRUVANANTHAPURAM DISTRICT - 695 144.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 07-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

OP(C).No. 974 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: **TRUE COPY OF THE APPLICATION, I.A.1128/2014 IN O.S.179/2014 BEFORE THE MUNSIFF'S COURT, VARKALA DATED 29.3.2014.**

EXT.P2: **TRUE COPY OF THE ORDER DATED 9.10.2014 IN I.A.1128/2014 IN OS.179/14 BEFORE THE MUNSIFF'S COURT, VARKALA.**

RESPONDENT(S)' EXHIBITS: **-** **NIL**

/TRUE COPY/

P.S.TO JUDGE

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P.BHAVADASAN, J.

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O.P.(C) No. 974 of 2015

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Dated this the 07th day of April, 2015

J U D G M E N T

The petitioner sought for issuance of a Commission to ascertain the details of loan account and the ornaments kept by respondents 1 to 3 in the Bank. The court below, holding that the plaintiff has not specified the loan details and also that it would violate the privacy of several accounts maintained at the firm of 4th defendant, declined to allow the prayer for issuance of a Commission and dismissed the petition.

2. The learned counsel appearing for the petitioner pointed out that the petitioner is unable to get the details of the loan account and also the details of the ornaments pledged with the Bank and she has no other means except to have an inventory prepared by the Commissioner.

3. The contention raised by the learned counsel for the petitioner does not appear to be correct. The petitioner

has other means of obtaining details and issuance of a Commission may be too far fetched.

However, leaving open the remedy of the petitioner to pursue such other steps as are available to him under law including serving of interrogatories and filing of application to produce the details before court, this petition is closed.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge