

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

OP(C).No.1290 of 2015 (O)

**I.A NO.776/2015 & I.A NO.835/2015 IN O.S NO.290/2014 OF THE MUNSIFF'S COURT,
PERUMBAVOOR.**

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PETITIONER/PLAINTIFF:

**STATE BANK OF TRAVANCORE,MUDICKAL BRANCH,
REPRESENTED BY ITS MANAGER.**

**BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW**

RESPONDENT/DEFENDANT:

**NOUSHAD P.K,S/O.KOCHUMUHAMMED,BUSINESS,
PATTARUMADAM HOUSE,ALLAPRA P.O.,
NEAR MOSQUE,KANNANTHARA,
VENGOLA VILLAGE-683 542.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

pk

OP(C).No.1290 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:PHOTOCOPY OF THE PLAINT IN OS NO.290 OF 2014 BEFORE
MUNSIFF COURT OF PERUMBAVOOR DATED 15.7.2014.**

**EXHIBIT P2:PHOTOCOPY OF IA NO.776 OF 2015 IN OS NO.290 OF 2014 WITH
ORDER.**

**EXHIBIT P3:PHOTOCOPY OF IA NO.835 OF 2015 IN OS NO.290 OF 2014 WITH
ORDER DATED 7.4.2015.**

**EXHIBIT P4:PHOTOCOPY OF ORDER DATED 10.4.2015 IN IA NO.835 OF 2015
MUNSIFF COURT,PERUMBAVBOOR.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

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O.P.(C).No.1290 of 2015

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Dated this the 3rd day of July, 2015

J U D G M E N T

Spurious gold was pledged at the petitioner Bank and various other Banks by the respondent. Whereabouts of the respondent is not known. All the bank records relating to the transactions have been taken away by way of Police at the stage of investigation. Those documents are with the Police. The investigation is not so far complete.

2. In the suit, the petitioner wanted to produce those documents. As those documents are with the Police and the investigation is on going, the petitioner has rightly applied for court certificate from the court below for getting copies of

all the documents from the investigating agency through I.A.No.776 of 2015. It seems that the court below has dismissed the said I.A. by directing the petitioner “to take other legal steps”. Immediately the petitioner has applied through Exhibit P3 I.A. for calling upon the SHO, Perumbavoor to produce those documents. That I.A. was also dismissed through Exhibit P4.

3. Heard the learned counsel for the petitioner.

4. According to the petitioner, the only way out is either to get court certificate for procuring the certified copy of the documents or in the alternative to call upon the investigating agency to produce those documents. The said two courses were adopted by the petitioner. The court below has chosen to dismissed both the I.As. It seems that the court below ought not to have dismissed Exhibit P2 I.A., by which the petitioner has sought for court certificate.

In the result, this Original Petition (Civil) is allowed and the order on Exhibit P2 passed by the court below is set aside. The I.A. stands allowed. The court below is directed

to issue court certificate to the petitioner for obtaining copies of necessary documents.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/4/7/15