

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 3380 of 2008 (B)

PETITIONER :

**M/S.EMVEE TOURIST HOME,
NEYYATTINKARA, TRIVANDRUM DISTRICT,
REP.BY ITS MANAGING PARTNER DR.V.JAYAKUMAR.**

BY ADV. SRI.G.S.REGHUNATH

RESPONDENT(S) :

- 1. INDIAN BANK,
P.B.NO.1384, 66 RAJAJI SALAI
CHENAI - 600 001, TAMILNADU,
REP. BY ITS CHAIRMAN.**
- 2. THE MANAGER,
INDIAN BANK, KARUMKULAM BRANCH,
NEYYATTINKARA
REP. BY ITS MANAGER.**
- 3. THE BANKING OMBUDSMAN,
OFFICE OF THE BANKING OMBUDSMAN,
RESERVE BANK OF INDIA BUILDING
TRIVANDRUM - 695 033.**

R1 & R2 BY ADV. SRI.S.SREEKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

A.M.SHAFFIQUE, J

W.P.C.No.3380 of 2008

Dated this the 13th day of November 2015

J U D G M E N T

This writ petition is filed seeking to release the title deeds produced as Exts.A5 to A15 in O.S.No.6 of 1980 and to pay damages to the petitioner for illegally withholding the said documents for the loan availed in O.S.No.8 of 1980.

2. Statement has been filed by the respondent bank inter alia stating that the petitioner has not paid the entire decree amount. Though the execution petition has been dismissed for default, an application is filed for reviving the same.

3. On account of the fact that disputed questions arise for consideration in the above writ petition and the fact that the petitioner's remedy is to approach the Civil court for appropriate reliefs, this writ petition is dismissed as not maintainable. This issue is covered by the Full Bench decision of this Court in **John v. Liquidator** [2006(1) KLT 11 (F.B.)].

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

