

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No.10657 of 2015 (F)

PETITIONER:

**VILAS GEORGE,S/O.VARKEY,AGED 38 YEARS,
PALLIKUNNEL HOUSE,VENGINISSERY VILLAGE,
TRISSUR DISTRICT.**

BY ADV.SRI.M.L.SURESH KUMAR

RESPONDENT'S:

- 1. THE CHIEF MANAGER,O/O THE ZONAL OFFICE,
BANK OF INDIA,KALOOR TOWER,KALOOR-17.**
- 2. THE AUTHORIZED OFFICER,(BRANCH MANAGER),
BANK OF INDIA,KALOOR TOWERS,KOCHI-17.**
- 3. THE BRANCH MANAGER,BANK OF INDIA,
M.G.ROAD,TRISSUR,PIN-680001.**

R1-R3 BY SRI.B.SATHEEZ CHANDRAN,SC,BANK OF INDIA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.10657 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT-P1:TRUE COPY OF THE SETTLEMENT STATEMENT ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER.**

**EXHIBIT-P2:TRUE COPY OF THE ORDER DATED 10/12/2014 IN S.A.441/2009 OF
DEBT RECOVERY TRIBUNAL ERNAKULAM.**

**EXHIBIT-P3:TRUE COPY OF THE REPRESENTATION DATED 17/03/2015
BEFORE THE 3RD RESPONDENT BY THE PETITIONER.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 10657 of 2015

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Dated, this the 8th day of April, 2015

JUDGMENT

The petitioner availed some financial assistance from the respondent Bank, but there occurred some default; Pursuant to which, the Bank proceeded with steps under the SARFAESI Act. This was sought to be challenged by filing S.A. 441 of 2009. It is stated that the Bank had filed O.A. for recovery of the due amount and that documents were produced before the Debt Recovery Tribunal. The learned counsel for the petitioner submits that in the course of further proceedings, the petitioner satisfied the entire liability and as such, the petitioner entitled to get back the documents entrusted with the Bank. Despite closing the loan account as early as on 22.09.2014, the documents are still to be returned. Hence the writ petition.

2. Satisfaction of liability towards the loan account stands conceded. The learned counsel for the Bank submits that the Bank has already preferred a petition before the DRT to get back the documents produced before the Tribunal and that immediately on receipt of the documents, the same will be returned to the petitioner forthwith.

3. The learned counsel for the petitioner submits that the petitioner's mother is a cancer patient and that huge expenditure has already been met with regard to the treatment. The petitioner wants to have the documents returned to raise money from appropriate sources. In the said circumstances, the writ petition is disposed of, directing the respondent Bank to see that the documents are obtained from the Debt Recovery Tribunal and returned to the petitioner, at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd

/True copy

P.A. To Judge