

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 11566 of 2014 (U)

PETITIONER:

P. PRABHA KUMAR, DEVARAGAM,
KATTUMPURAM.P.O., KLIMANOOR
THIRUVANANTHAPURAM-695608.

BY ADVS.SRI.SHABU SREEDHARAN
SRI.TONY THOMAS (INCHIPARAMBIL)
SRI.UDAYAKUMAR SREEDHARAN
SMT.RESHMA ABDUL RASHEED

RESPONDENTS:

1. THE KERALA STATE CO-OPERATIVE BANK LTD.,
REPRESENTED BY THE MANAGING DIRECTOR,
COBANK TOWERS, PALAYAM,
THIRUVANANTHAPURAM-695033.
2. THE MANAGER, KERALA STATE CO-OPERATIVE
BANK LTD., KOLLAM BRANCH, KOLLAM-691013.
3. SUDHEESAN, 'KARUNAS',
KADAVILA PUTHEN VEEDU,
KALLUVATHUKKAL.P.O.
KOLLAM-691578.

BY ADV. SRI.GEORGE POONTHOTTAM, SC, KERALA STATE CO.OP BANK LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE ATTACHMENT ORDER ALONG WITH THE SCHEDULE OF PROPERTY.
- EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN OS NO. 211/2005.
- EXHIBIT P3 TRUE COPY OF E.P. NO. 36/2013.
- EXHIBIT P4 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE FROM THE SRO, CHATHANNOOR.
- EXHIBIT P5 REPRESENTATION DATED 4-4-2014.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(a) TRUE COPY OF THE SANCTION LETTER DATED 12.07.2005.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 11566 OF 2014

Dated this the 23rd day of March, 2015

JUDGMENT

Whether the attachment of the property in the suit is subsequent to the mortgage in favour of the bank is the short question. The right of the bank will prevail if the attachment is subsequent to the mortgage as held in **Madan S. Vs. Sub Registrar, Kollam [2014 (1) KLT 406]**. The matter is engaging the attention of the first respondent in Ext.P5 representation.

2. I direct the first respondent to consider Ext.P5 representation with notice to the petitioner and the third respondent. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd