

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 17030 of 2015 (C)

PETITIONER(S):

**AJI S., AGED 39 YEARS, S/O.SHAMSUDDIN,
591, SUB GP, C/O.56 APO FROM J.T. HOME SANTHIVILA,
NEMOM P.O., THIRUVANANTHAPURAM,
REPRESENTED BY HIS WIFE AND POWER OF ATTORNEY
HOLDER JOSHILA, AGED 38, RESIDING AT TC.NO.8/1878 (2),
KUNNILVEEDU, VETTAMUKKU, ARAMADA,
THIRUNILA, TRIVANDRUM.**

**BY ADVS. SRI.M.RAJENDRAN NAIR,
SMT.M. SANTHY.**

RESPONDENT(S):

**UNION BANK OF INDIA,
MAIN BRANCH, M.G. ROAD, TRIVANDRUM,
REPRESENTED BY ITS AUTHORIZED OFFICER,
ASST. GENERAL MANAGER.**

BY ADV. SRI.A.S.P.KURUP, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 17030 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: ORIGINAL POWER OF ATTORNEY EXECUTED BY THE PETITIONER
DATED 16.04.2010.
- P2: TRUE COPY OF THE REPLY LETTER DATED 13.03.2015 BY THE
RESPONDENT.
- P3: TRUE COPY OF THE LETTER DATED 12.02.2015 BY THE PETITIONER.
- P4: TRUE COPY OF THE LAWYER NOTICE DATED 11.03.2014.
- P4 A: POSTAL RECEIPT OF P4 NOTICE.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17030 of 2015

Dated this the 31st day of July, 2015

JUDGMENT

The petitioner is working as Signal Technidan in Indian Army. This writ petition is filed through his sister as his Power of Attorney holder. He approached this Court seeking release of the amount retained with the Bank in excess of the sale consideration received in the public auction. The petitioner was the borrower and consequent upon the default, the Bank auctioned the property. The amount now in question is the excess received by the Bank. There is no dispute regarding the amount or any other issue other than release of the amount.

2. Learned Standing Counsel for the Bank submits that if the petitioner approaches them, they are prepared to release the amount.

3. It appears that the petitioner is now working in Army and he is unable to come to the Bank.

Taking into the facts and circumstances as above, following directions are issued:

- i. The Bank shall either transfer the amount to the petitioner's account maintained with the Bank or to some other account maintained by him the details of which shall be furnished to the Bank.
- ii. Needful shall be done within a week providing details of the account.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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