

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 21608 of 2015 (A)

PETITIONER(S):

**MANIKANDAN A, AGED 40 YEARS,
S/O.ARUNACHALA MUDALIYAR,
KAMALASHI AMMAN KAVILPADY, PAZHAMBALAKODE,
PALAKKAD DIST.**

BY ADV. SRI.BABY MATHEW

RESPONDENT(S):

**BRANCH MANAGER,
CANANRA BANK, PAZHAMBALAKODE,
PALAKKAD DISTRICT- 678001.**

BY SRI.PAULY MATHEW MURICKEN,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE GOLD LOAN TICKET DATED 6/8/2012.**
- EXT.P2. TRUE COPY OF THE LOAN SETTLEMENT DATED 21/12/2012.**
- EXT.P2(A). TRUE COPY OF THE LOAN SETTLEMENT DATED 21/12/2012.**
- EXT.P3. TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE REGIONAL
MANAGER.**
- EXT.P4. TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT DATED
17/02/2015.**
- EXT.P5. TRUE COPY OF THE AUCTION NOTICE ISSUED BY THE RESPONDENT
DATED 25/06/2015.**
- EXT.P6. TRUE COPY OF THE AUCTION NOTICE ISSUED BY THE RESPONDENT
DATED 13/07/2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21608 of 2015

Dated this the 11th day of August, 2015

JUDGMENT

The petitioner challenging auction sale proceedings initiated by the Bank to sell the gold ornaments pledged by him, has approached this Court. This Court adjourned the sale on 17.7.2015 on condition that the petitioner remits Rs.20,000/- to the respondents on or before 24.7.2015. It appears that the petitioner has only remitted Rs.10,000/- after the date given by this Court.

2. It appears that the petitioner has liability under the vehicle loan and a suit was filed by the Bank and they obtained a decree. The petitioner submits that he is entitled to release the gold as and when he deposits the entire amount.

3. Learned counsel for the Bank submits that the gold cannot be released to the petitioner as the Bank has a lien.

4. This Court is of the view that the question of lien need not be decided now.

Considering the facts and circumstances, the petitioner shall be permitted to discharge the entire liability in gold loan account in six equal monthly instalments starting from 5.9.2015 onwards. If the petitioner commits default in remitting anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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