

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C) .No. 24362 of 2015 (U)

PETITIONER(S) :

1. A.L.JOY @ JOSEPH,
AGED 63 YEARS, S/O.LOUIS, AVVA HOUSE,
PERUMPILLY, NARAKKAL P.O., ERNAKULAM DISTRICT - 682 505.
2. GRACY,
AGED 53 YEARS, W/O.A.J.JOY, AVVA HOUSE, PERUMPILLY,
NARAKKAL P.O., ERNAKULAM DISTRICT - 682 505.
3. ANU JOY,
AGED 42 YEARS, D/O.A.L.JOY,
AVVA HOUSE, PERUMPILLY,
NARAKKAL P.O., ERNAKULAM DISTRICT - 682 505.
4. JINU JOY,
AGED 29 YEARS, D/O.A.L.JOY,
AVVA HOUSE, PERUMPILLY,
NARAKKAL P.O., ERNAKULAM DISTRICT - 682 505.

BY ADV. SRI.A.G.BASIL.

RESPONDENT(S) :

1. THE CATHOLIC SYRIAN BANK,
REPRESENTED BY ITS CHIEF MANAGER,
CATHOLIC SYRIAN BANK, PB NO.2013, GCDA BUILDING,
GIRINAGAR NORTH, KOCHI - 682 020.
2. THE BRANCH MANAGER,
CATHOLIC SYRIAN BANK, NARAKKAL - 682 505.

BY ADV. SRI.R.S.KALKURA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P-1: TRUE COPY OF THE DEATH CERTIFICATE OF THE 1ST PETITIONER'S SON
DATED 4.9.2013.

EXT.P-2: TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT DATED
28.9.2013.

EXT.P-3: TRUE COPY OF THE RELATION SHIP CERTIFICATE ISSUED BY THE VILLAGE
OFFICER, NARAKKAL DATED 11.9.2013.

EXT.P-4: TRUE COPY OF THE MEMORANDUM IN O.P (SUCCESSION) NO.1/2014 OF THE
MUNSIFF'S COURT, KOCHI.

EXT.P-5: TRUE COPY OF THE ORDER IN O.P (SUCCESSION) NO.1/2014 OF THE
MUNSIFF'S COURT, KOCHI DATED 30.3.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 24362 of 2015

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Dated this the 8th day of September, 2015

J U D G M E N T

The petitioners approached this Court, on challenging the action of the respondents and not releasing the gold ornaments pledged by the 1st and 2nd petitioners son.

2. It is submitted that 1st and 2nd petitioners' son Manu Joy is no more. It is also submitted that the entire liability has been discharged.

3. The Bank submits that the gold ornaments cannot be released to the petitioners unless the petitioners produce legal heir certificate or succession certificate.

4. This court is of the view that, if the petitioners produce relationship certificate issued by the competent Tahsildar, gold ornaments shall be released to the persons referred in the relationship certificate.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

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