

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 28097 of 2015 (J)

PETITIONER(S):

**KUNJUMON K.A., AGED 44 YEARS,
S/O.HAJI K.M. ADIMAKUTTY, ASIYA MAHAL,
KIZHAKKUMMURI PARMBU, SRM ROAD,
ERNAKULAM NORTH P.O,
KOCHI 682018.**

**BY ADVS.SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.HARIDAS P.NAIR
SRI.M.A.VINOD
SRI.M.RAJESH KUMAR
SMT.B.SABITHA (DESOM)
SMT.K.JYOTHY**

RESPONDENT(S):

- 1. THE BRANCH MANAGER, BANK OF INDIA,
EZHIKKARA BRANCH, EZHIKKARA PO, NORTH PARUR,
ERNAKULAM DISTRICT, PIN 683513.**
- 2. THE ZONAL MANAGER,
KERALA ZONE, BANK OF INDIA, KALOOR TOWERS,
KALOOR - KADAVANTHARA ROAD, KALOOR PO, KOCHI 682017.**

BY ADV. SRI.JAWAHAR JOSE, SC, BANK OF INDIA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P2: TRUE COPY OF THE GOLD DETAILS CERTIFICATE DATED 30.03.2009 ISSUED BY THE 1ST RESPONDENT**
- P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 12.01.2012**
- P3: TRUE COPY OF THE REPLY OF THE 1ST RESPONDENT DATED 03.01.2012**
- P4: TRUE COPY OF THE LETTER OBO(T) NO.8269/18199/2011-12 DATED 24.04.2012**
- P5: TRUE COPY OF THE ORDER OF THE DISTRICT CONSUMER REDRESSAL FORUM, ERNAKULAM DATED 22.12.2014**
- P6: TRUE COPY OF THE LETTER DATED 15.07.2015 RECEIVED FROM THE 1ST RESPONDENT**
- P7: TRUE COPY OF THE LETTER DATED 03.09.2015 RECEIVED FROM THE 1ST RESPONDENT**
- P8: TRUE COPY OF THE DEMAND PROMISSORY NOTE EXECUTED ON 30.03.2009**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.28097 of 2015

Dated this the 25th day of September, 2015

J U D G M E N T

The petitioner has availed a gold loan from the respondent bank. The petitioner submits that he is prepared to pay the entire amount demanded by the respondent bank.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the bank.

3. This Court is of the view that if the petitioner pays the entire amount the gold ornaments shall be released to the petitioner. However, it is open for the bank to waive penal interest if permissible. The petitioner shall remit the amount within a period of one month from today.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/