

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 30906 of 2015 (K)

PETITIONER(S) :

- 1. K.K HANEEFA, AGED 67 YEARS,
S/O.KOCHUMOHAMMED, KOMALATH HOUSE, VATANAPPALLY P.O,
THRISSUR- 680 614.**
- 2. S.K.SUHARA HANEEFA, AGED 66 YEARS,
W/O.K.K. HANEEFA, KOMALATH HOUSE, VATANAPPALLY P.O,
THRISSUR- 680 614.**

**BY ADVS.SRI.ZAKEER HUSSAIN
SRI.P.E.ISHAQ**

RESPONDENT(S) :

**FEDERAL BANK LTD.,
ERNAKULAM/ASSET RECOVERY BRACH, 8TH FLOOR,
FEDERAL TOWERS, MARINE DRIVE, ERNAKULAM,
REPRESENTED BY ITS CHIEF MANAGER 682 031.**

BY ADV. SRI.PETER THARAKAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 30906 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE COPY OF THE LETTER DATED 27.11.2014 ISSUED BY
THE BANK.**

**EXHIBIT P2: A TRUE COPY OF THE REGISTERED NOTICE DATED 10.09.2015
ISSUED BY THE PETITIONERS.**

EXHIBIT P3: A TRUE COPY OF THE POSTAL ACKNOWLEDGEMENT CARD.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 30906 of 2015

Dated this the 26th day of October, 2015

J U D G M E N T

The petitioners are guarantors for the loan availed from the respondent bank. The petitioners submit that, they have paid the entire amount to the extent of guaranty, they offered to the bank. Therefore, the bank is liable to release the documents to the petitioners.

2. The learned Counsel for the bank would submit that they have already instituted an O.A. No. 271/10 and the documents are before the Debts Recovery Tribunal and on account of the delay in obtaining the document from the Debts Recovery Tribunal, delay occurred in releasing the documents to the petitioners.

3. Considering the facts and circumstances, the following directions are issued:

The Debts Recovery Tribunal is directed to release the document to the bank based on the application to be filed by the bank within three weeks from the date of receipt of the application. The bank shall file the application without any

delay at any rate within one week from the date of receipt of a copy of this judgment. On receipt of such documents from the Debts Recovery tribunal, the bank shall release the documents to the petitioners within a further period of three weeks.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/

The case number shown as “O.A.No.271/10” in the first sentence of the second paragraph of the judgment dated 26/10/2015 in W.P.(C) No.30906/2015 is corrected as “O.A.No.370/2000” as per order dated 01/04/2016 in I.A. No.2197/2016

Registrar (Judicial)