

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 35470 of 2014 (G)

PETITIONER:

**P.MANOJ, AGED 43 YEARS,
SON OF A.K.PONNAPPAN, RESIDING AT B-45, JALADA,
RBI OFFICERS' QUARTERS, TATA PRESS ROAD, PRABHADEVI,
MUMBAI-400 025, FROM AYYAM PARAMBU VEEDU,
PUNNAPPURA MURI, PUNNAPURA VILLAGE,
AMABALAPPUZHA TALUK, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENTS:

- 1. THE AUTHORISED OFFICER,
ALAPPUZHA DISTRICT CO OPERATIVE BANK,
HEAD OFFICE, ALAPPUZHA.**
 - 2. MR.FAISAL @ FAISY,SON OF ABDUL AZEEZ,
RESIDING AT CHIMBUS KATUNGAL HOUSE,
PUNNAPPURA VILLAGE, PIN- 688 004,
ALAPPUZHA DISTRICT, PIN- 688 004.**
 - 3. S. NOWSHAD,
SON OF SHAMSUDEEN, RESIDING AT PURATHACHIRA VEEDU,
13TH WARD, PUNNAPPRA PANCHAYAT, PUNNAPPRA P.O.,
PIN-688 004, ALAPPUZHA DISTRICT.**
- R1 BY SMT.K.N.RAJANI, SC, ALAPPUZHA DIST.CO.OP.BANK LTD.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

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| EXHIBIT P1- | A TRUE COPY OF THE SALE DEED NO. 4716 OF 2008 OF ALAPPUZHA SUB DISTRICT EXECUTED BY THE SECOND RESPONDENT IN FAVOUR PETITIONER. |
| EXHIBIT P2- | A TRUE COPY OF THE SALE DEED NO. 1476 OF 2002 OF ALAPPUZHA SUB REGISTRAR OFFICE EXECUTED BY THE THIRD RESPONDENT IN FAVOUR OF THE SECOND RESPONDENT. |
| EXHIBIT P3- | A TRUE COPY OF THE SALE DEED NO. 4295 OF 1999 DATED 22-10-1999 OF ALAPPUZHA SUB REGISTRAR OFFICE EXECUTED IN FAVOUR OF THE THIRD RESPONDENT. |
| EXHIBIT P4- | A TRUE COPY OF THE NOTICE DATED 12-12-2004 UNDER SECTION 13 (4) OF THE SECURITISATION ACT PUBLISHED IN THE MATHRUBHUMI DAILY DATED 14-12-2014 ISSUED BY THE FIRST RESPONDENT. |
| EXHIBIT P5- | A TRUE COPY OF THE REPRESENTATION DATED 22-12-2014 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT. |

NIL

/TRUE COPY/

P.S.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.35470/2014**  
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Dated this the 29th Day of June, 2015

J U D G M E N T

The petitioner claims to be a *bona fide* purchaser of a secured asset from respondents 2 and 3. He submits that he was not aware of the mortgaging property with the first respondent. However, he admits that he is prepared to remit the entire amount due to the Bank.

2. Though notice was served on respondents 2 and 3, they have not chosen to appear before this Court. Therefore, concluding the affirmation made by the petitioner/*bona fide* purchaser, the following directions are issued:

i. The petitioner shall clear the entire amount due to the Bank within three months. The amount shall be remitted in three equal monthly instalments commencing from July, 2015.

ii. On payment as above, the Bank shall return all the documents to the petitioner after issuing notice to respondents 2 and 3. If there is any dispute in releasing the documents, necessarily, the documents shall be released only on based on a direction of a competent civil court or other competent Authority.

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iii. If the petitioner fails to pay the amount as above, the Bank is free to take action in accordance with law.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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