IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.28942 OF 2020(P)

PETITIONER:

BHIMA JEWELLERS,
JAFFERKHAN COLONY ROAD, OFF MAVOOR ROAD,
KOZHIKODE-673 004,
REPRESENTED BY MANAGING PARTNER,
G. BALACHANDRA KIRAN.

BY ADVS.
SRI.SHYAM PADMAN
SRI.C.M.ANDREWS
SMT.BOBY M.SEKHAR
KUM.LAYA MARY JOSEPH
SRI.HARISH ABRAHAM

RESPONDENTS:

1 **DHANLAXMI BANK,**
RAM MOHAN ROAD, GOVINDAPURAM, KOZHIKODE,
KERALA-673 016, REPRESENTED BY ITS MANAGER.

2 **THE BANKING OMBUDSMAN,**
RESERVE BANK OF INDIA, BAKERY JUNCTION,
THIRUVANANTHAPURAM-695 033.

BY ADVS. SRI.MATHEW.J.NEDUMPARA
SRI.P.VIJAYA RAGHAVAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The writ petition is filed seeking the following reliefs:

> *"i. To direct the Banking Ombudsman to take up and pass appropriate order on Ext P7 petition by issuing a writ of mandamus, or any other appropriate writ, order, direction or command within a period as directed by this Hon'ble court.*
>
> *ii. To direct the 1st respondent bank to release the property documents at the earliest for the smooth takeover of the cash credit facility by HDFC bank by issuing any appropriate order, direction or command.*
>
> *iii. To issue any such other writ, order or direction as this Hon'ble Court may deem fit and proper under the circumstances of the present case.*
>
> *iv. Grant such other relief that is prayed for and is deemed just and proper to grant in the interests of justice.*
>
> *v. Award the entire costs of the Petitioner."*

2. Sri.P.Vijayaraghavan, learned Standing Counsel for the 1st respondent Bank submits that in case the petitioner remits a sum of Rs.22,32,000/-, the title deeds would be released. On such payment, the Bank would debit that amount to the account of the petitioner and close the account. This is recorded.

If the petitioner has got any grievance or any dispute over the amount, the petitioner can raise it before the appropriate forum. The petitioner will be entitled to recover the same in accordance with law.

Accordingly, the writ petition is disposed of.

Sd/-

P.V.ASHA
JUDGE

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE LETTER DATED 29.9.2020 NOTIFYING THE CANCELLATION OF THE CASH CREDIT FACILITY ISSUED BY THE PETITIONER TO THE RESPONDENT BANK.
EXHIBIT P2	TRUE COPY OF THE LETTER DATED 5.11.2020 ISSUED BY THE PETITIONER TO THE RESPONDENT BANK NOTIFYING THE CLOSURE OF ALL OUTSTANDING AMOUNT IN FULL.
EXHIBIT P3	TRUE COPY OF THE COMPLAINT LETTER ISSUED BY THE PETITIONER HIGHLIGHTING THE ILLEGAL DEBITS MADE BY THE RESPONDENT BANK.
EXHIBIT P4	TRUE COPY OF THE REMINDER LETTER DATED 19.11.2020 ISSUED BY THE PETITIONER TO THE RESPONDENT BANK.
EXHIBIT P5	TRUE COPY OF THE ALLEGED CLARIFICATION LETTER DATED 19.11.2020 ISSUED BY THE PETITIONER TO THE RESPONDENT BANK.
EXHIBIT P6	TRUE COPY OF THE ADDITIONAL CLARIFICATION LETTER DATED 24.11.2020 ISSUED BY THE PETITIONER TO THE RESPONDENT BANK.
EXHIBIT P7	TRUE COPY OF THE COMPLAINT DATED 16.12.2020 FORWARDED BY THE PETITIONER TO THE 2ND RESPONDENT.
EXHIBIT P8	TRUE COPY OF THE POSTAL RECEIPT DATED 16.12.2020.