IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 17TH DAY OF FEBRUARY 2023 / 28TH MAGHA, 1944

WP(C) NO. 4193 OF 2023

PETITIONER:

NABEESA
AGED 69 YEARS
W/O LATE MUHAMMED,
AREEKODATH HOUSE KOTTAPPURAM,
ALANGAD P.O, ALUVA-683511.,

BY ADVS.
K.I.SAGEER
K.M.NASARUDHEEN
MUHAMMED YASIL

RESPONDENT:

UNION BANK OF INDIA
REPRESENTED BY ITS BRANCH MANAGER ALUVA BRANCH,
GROUND FLOOR, PUTHUVELIL BUILDING 18/471, N.H 47,
BYPASS JUNCTION, ALUVA- 683101., PIN - 683101

BY ADVS.
ASP.KURUP
SADCHITH.P.KURUP(K/1419/2002)
C.P.ANIL RAJ(K/872/2007)
SIVA SURESH(K/2688/2022)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 17th day of February, 2023

This writ petition is filed by the petitioner seeking a writ of mandamus to the union Bank of India-the respondent, to release the original documents bearing Nos.4956/1985 and 1750/1991 of Aluva Sub Registry and other allied documents submitted by late Muhammed in the respondent bank within a time frame to be fixed by this Court. Late Muhammed has availed loans from the respondent bank by mortgaging title deeds of the property situated in Survey Nos. 490/6-1, 490/6-2 and 490/5B of Alangad Village. According to the petitioner the entire loan amount is paid, however, the bank has not returned the documents; it is thus seeking appropriate direction, this writ petition is filed.

2. A counter affidavit is filed by the bank virtually admitting the submissions made by the petitioner in the writ petition. However, it is submitted that in order to release the documents as per the norms formulated by the bank an indemnity bond of two sureties is to be executed and they

shall furnish their property details in order to enable the bank to identify as to whether bank would be able to proceed against them in the event of bank suffering any loss. Learned counsel for the petitioner submitted that the petitioner is prepared to accept the formalities prescribed by the bank.

In that view of the matter, after hearing learned counsel for the petitioner, Sri.K.I Sageer, and learned Standing Counsel for the respondent bank, Sri.Sadchith P.Kurup, and perusing the pleadings and documents on record, the writ petition is disposed of recording the above said aspects. If the petitioner makes available the indemnity bond and the property details of the sureties, steps shall be taken immediately to release the documents at the earliest, and at any rate, within three weeks from the production of the documents.

Sd/-

SHAJI P. CHALY

JUDGE

AP

APPENDIX OF WP(C) 4193/2023

PETITIONER EXHIBITS	
Exhibit-P1	A TRUE COPY OF THE LOAN CLOSURE DATED 31.03.2022
Exhibit-P2	A TRUE COPY OF THE COVERING LETTER DATED 07.06.2022 SUBMITTED TO THE BANK
Exhibit-P3	A TRUE COPY OF ESTATE CLAIM FORM OF THE UNION BANK OF INDIA
Exhibit-P4	A TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE DATED 29.10.2018 ISSUED BY THE TAHSILDAR PARAVOOR
Exhibit-P5	A TRUE COPY OF THE DRAFT INDEMNITY BOND DATED 29.04.2022
Exhibit-P6	A TRUE COPY OF THE NOTICE DATED 15.10.2022 OF THE RESPONDENT BANK
RESPONDENT EXHIBITS	
Exhibit R1 A	True copy of the policy on settlement of death claim dated 30-03-2022