

(2011) 06 KL CK 0198

In the High Court Of Kerala

Case No : Writ Petition (C) No. 6132 of 2011 (N)

Y. Jaffer Kutty

APPELLANT

Vs

State Bank of India, Main Branch

RESPONDENT

Date of Decision : 02-06-2011

Acts Referred:

Citation : (2011) 06 KL CK 0198

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : A. Shafeek Kayamkulam, for the Appellant; George Thomas (Mevada), SC for SBI, for the Respondent

Judgement

P.R. Ramachandra Menon, J.—The Petitioner is stated as constrained to approach this Court because of the delay in releasing the title deed bearing No. 4576/1996 of SRO, Edappally which was surrendered to the Respondent by the borrower at the time of availing a loan creating mortgage over the property in question. .

2. The case of the Petitioner is that the property originally belonged to one Cherian and his wife Omana Cherian, over which equitable mortgage was created by them at the time of availing the loan from the Respondent Bank, was purchased by the Petitioner, as per Ext. P1 sale deed agreeing to clear the remaining liability to the Bank. This was satisfied as early as on 23.07.2002, despite which, the document surrendered by the vendor at the time of availing the loan (Document No. 4576/1996 of SRO, Edappally - now the "prior title deed" of the Petitioner) is still to be returned to the Petitioner.

3. The learned Counsel for the Bank submits that despite the earnest effort taken, the aforesaid document could not be traced out and since it is only the prior title deed, as on date, the Bank has taken steps to obtain a "certified copy" from the concerned Registry at the cost of the Bank and the same will be handed over to the Petitioner immediately on receipt of the same, along with a covering letter, as to the course and events.

4. The learned Counsel for the Petitioner submits that, in the particular facts and circumstances, the matter could be disposed of, directing the Respondent to finalise the proceedings as above within a time limit.

5. After hearing both the sides, taking note of the sequence of events and the undisputed facts and pleadings, the Respondent is directed to procure and hand over a "certified copy" of the relevant document (Document No. 4576/1996 of the SRO, Edappally) to the Petitioner immediately, at any rate, within one month from the date of receipt of a copy of the judgment. It is made clear that the Bank shall continue the steps to trace out the original document and if the same is obtained, it shall be handed over to the Petitioner in the due course.

The writ petition is disposed of.