

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 25TH DAY OF OCTOBER 2023 / 3RD KARTHIKA, 1945

WP(C) NO. 6296 OF 2023

PETITIONER:

MEENA ALAPPAT,
AGED 49 YEARS,
D/O LATE OUSEPH,
ALAPPATT HOUSE,
KUTTOOR P.O.,
THRISSUR, PIN - 680013.

BY ADVS.
P.MARTIN JOSE
THOMAS P.KURUVILLA
P.PRIJITH
R.GITESH
AJAY BEN JOSE
SACHIN JACOB AMBAT
MANJUNATH MENON
ANNA LINDA EDEN
HARIKRISHNAN S.
S.SREEKUMAR (SR.)

RESPONDENTS:

- 1 THE SOUTH INDIAN BANK LTD.,
REGIONAL OFFICE, AYYANTHOL P.O.,
THRISSUR PIN - 680003
REPRESENTED BY ITS MANAGER.
- 2 MR.VINCENT ALAPPATT,
AGED 47 YEARS
S/O LATE OUSEPH, ALAPPATT HOUSE,
KUTTOOR P.O., THRISSUR, PIN - 680013.
- 3 MR.SUNIL ALAPPAT,
AGED 46 YEARS
S/O LATE OUSEPH, ALAPPATT HOUSE,
KUTTOOR P.O., THRISSUR, PIN - 680013.

W.P. (C) No.6296 of 2023

:2:

- 4 MR. JULIE VINCENT,
AGED 36 YEARS
W/O VINCENT ALAPPATT, ALAPPATT HOUSE,
KUTTOOR P.O.,
THRISSUR, PIN - 680013
- 5 VILMOL SUNIL,
AGED 44 YEARS
W/O SUNIL ALAPPATT, ALAPPATT HOUSE,
KUTTOOR P.O., THRISSUR, PIN - 680013.
- 6 DEEPU,
AGED 33 YEARS, S/O GOPALAKRISHNAN,
VILAKKATHARA HOUSE, POTTOOR P.O.,
THRISSUR, PIN - 680581.

BY ADV.SRI.MOHAN JACOB GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25.10.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P. (C) No.6296 of 2023

:3:

J U D G M E N T

Dated this the 25th day of October, 2023

Counsel for the petitioner submits that in view of the subsequent developments, the writ petition can be closed, reserving liberty to the petitioner to avail other remedies.

Reserving such liberty, the writ petition is disposed of.

Sd/-

**N. NAGARESH
JUDGE**

ams

APPENDIX OF WP(C) 6296/2023

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR. KK PRAVEEN, CONSULTANT PSYCHIATRIST, MOTHER HOSPITAL PVT. LTD., THRISSUR DATED 15-3-2021
- Exhibit P2 TRUE COPY OF THE MEDICAL RECORDS OBTAINED FROM THE MOTHER HOSPITAL THRISSUR
- Exhibit P3 TRUE COPY OF THE PLAINT IN OS NO: 733 OF 2021 BEFORE THE HON'BLE MUNISFF COURT THRISSUR
- Exhibit P4 TRUE COPY OF WRITTEN STATEMENT DENYING THE AVERMENTS IN THE PLAINT, IN OS NO: 733 OF 2021 BEFORE THE HON'BLE MUNISFF COURT THRISSUR
- Exhibit P5 TRUE COPY OF THE NOTICE DATED 29-11-2022 ISSUED BY THE ADVOCATE COMMISSIONER IN CRL MP NO: 1244 OF 2020 PENDING BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR
- Exhibit P6 TRUE COPY OF THE JUDGMENT DATED 29-8-2023 IN OP (DRT) NO: 210 OF 2021

RESPONDENT EXHIBITS

- Ext.R1 (a) COPY OF THE AGREEMENT TO MORTGAGE DATED 06.02.2013 EXECUTED BY THE WRIT PETITIONER ALONG WITH THE 2ND RESPONDENT
- Ext.R1 (b) COPY OF THE RELEVANT PORTION OF THE VISITOR'S REGISTER EVIDENCING THE PETITIONER'S VISIT AT THE BRANCH ON 06.03.2013

:5:

- Ext.R1 (c) COPY OF THE LETTER DATED 06.03.2013 CONFIRMING THE DEPOSIT OF TITLE DEED AND CREATION OF MORTGAGE BY THE PETITIONER AND THE 2ND RESPONDENT
- Ext.R1 (d) COPY OF THE DECLARATION DATED 06.03.2013 FROM THE MORTGAGORS I.E. THE PETITIONER AND THE 2ND RESPONDENT
- Ext.R1 (e) COPY OF THE RELEVANT PAGE OF THE VISITOR'S REGISTER EVIDENCING THE VISIT OF THE PETITIONER ON 25.01.2014 AT THE BRANCH FOR EXECUTING THE LOAN DOCUMENTS AND FOR CONSTRUCTIVE REDEPOSIT OF TITLE DEEDS
- Ext.R1 (f) COPY OF THE LETTER DATED 26.01.2014 CONFIRMING THE CREATION OF MORTGAGE AND EXTENDING THE SAME TO THE ENHANCED FACILITY OF THE PETITIONER ALONG WITH THE 2ND RESPONDENT
- Ext.R1 (g) COPY OF THE RELEVANT PORTION OF THE VISITOR'S REGISTER EVIDENCING THE FACT OF THE PETITIONER COMING TO THE BRANCH ON 17.06.2014 FOR EXECUTION OF THE LOANING AND SECURITY DOCUMENTS
- Ext.R1 (h) COPY OF RELEVANT PORTION OF THE VISITOR'S REGISTER EVIDENCING THE VISIT OF THE PETITIONER ON 17.04.,2015
- Ext.R1 (i) COPY OF THE SANCTION ORDER DATED 17.04.2015
- Ext.R1 (j) COPY OF THE RELEVANT PORTION OF THE VISITOR'S REGISTER EVIDENCING THE PETITIONER'S VISIT BEFORE THE BRANCH ON 20.08.2015 H FOR EXECUTION OF THE LOANING AND SECURITY DOCUMENT FOR AVAILING THE ENHANCED FACILITY