

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -III,
NEYYATTINKARA**

**Present: Sri. SHIJU.A.F, BAL, LLM,
Judicial First Class Magistrate – III**

Dated : Tuesday, 11th March, 2025/ 20th Phalguna, 1946

CMP No. 3039/2024 in M.C. No. 36/2023

Petitioner : Femi.S, Aged 29, D/o Susily,
Stephin Nivas, Valiyavila, Kottackal,
Neyyattinkara, Thiruvananthapuram.

Represented by Adv. Kallambalam.S.Sreekumar

- Respondents
1. Jithin.S.Asok, Aged 32, S/o Ashokan.G,
Kaanam Desam, S10, Grandtech Green City Villa,
Aruvippuram, Peyad, Thiruvananthapuram.
 2. Sujatha.C.M, Aged 59, W/o Ashokan.G,
W/o Ashokan.G, Kaanam Desam,
S10, Grandtech Green City Villa,
Aruvippuram, Peyad, Thiruvananthapuram.
 3. Ashokan.G, Kaanam Desam,
S10, Grandtech Green City Villa,
Aruvippuram, Peyad, Thiruvananthapuram.
 4. Jibi Dixon @ Jibi.S.Asok, Aged 28,
Kaanam Desam, S10, Grandtech Green City Villa,
Aruvippuram, Peyad, Thiruvananthapuram.
 5. The Manager, State Bank of India,
Jagathy Branch, Thiruvananthapuram.

Represented by Adv. V.S. Vineethkumar

Petition : Hand over the gold ornaments to the petitioner.

Sentence/ order : Petition is allowed

ORDER

1. This is a petition filed by the petitioner for directing the Manager of State Bank of India, Jagathy Branch to hand over the gold ornaments to the petitioner,

which is pledged by the 1st respondent.

2. The case of the petitioner is that the 1st respondent is the husband of the petitioner and their marriage was solemnized on 28.10.2021 at St. Joseph Metropolitan Cathedral, Palayam, Thiruvananthapuram. While the 1st respondent and the petitioner were residing together, the respondent took entire gold ornaments for depositing in the share market and out of which 35 sovereigns of gold belonging to the petitioner were pledged at SBI, Jagathy branch through 1st respondent's account No. 20063940419 and never paid any interest to the said loan and the same is under coercive steps. Thereafter the bank informed that as the borrower failed to close the loan account even after repeated notices they have to start the auction proceedings immediately. Hence the petitioner remitted the loan amount of Rs. 3,67,640/-, ie the loan amount and interest before the SBI, Jagathy on 01.03.2024 and the loan is closed. Copy of the receipt is produced herewith. But now the bank authorities informed that without a court order they cannot hand over the gold ornaments to the petitioner. This is being the situation, it is submitted that entire gold ornaments are owned by the petitioner and the respondents has no right to claim any right over the said ornaments and the petitioner have paid entire loan amount with interest to the bank. Hence the petitioner prayed for passing an order directing the Manager of State Bank of India, Jagathy Branch to hand over the gold ornaments to the petitioner which is pledged by the 1st respondent through his account No. 20063940419.
3. Heard both sides.
4. The respondent filed objection stating that the entire gold is taken by the

father and mother of the petitioner. Except last installment for arrear of liability all other arrears paid by the respondent.

5. The learned counsel for the petitioner argued that while the 1st respondent and the petitioner were residing together, the respondent took entire gold ornaments for depositing in the share market and out of which 35 sovereigns of gold belonging to the petitioner were pledged at SBI, Jagathy branch through 1st respondent's account No. 20063940419 and never paid any interest to the said loan and the same is under coercive steps. Thereafter the bank informed that as the borrower failed to close the loan account even after repeated notices they have to start the auction proceedings immediately. Hence the petitioner remitted the loan amount of Rs. 3,67,640/-, ie the loan amount and interest before the SBI, Jagathy on 01.03.2024 and the loan is closed. Copy of the receipt is produced herewith.
6. Respondents No. 5 is directed to hand over the gold ornaments to the interim custody of the petitioner on executing bond for Rs. 25,00,000/- with two solvent sureties each for the like sum till the disposal of the MC regarding the ownership if any. The petitioner shall be abide by the order passed by the court in the MC 36/2023.

Pronounced by me in open court on this the 11th day of March, 2025.

Sd/-
JUDICIAL FIRST CLASS MAGISTRATE –III,
NEYATTINKARA

//True Copy//

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NEYATTINKARA