



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.31410 OF 2024 (GM-RES)

BETWEEN:

MR.KONA ESWARA REDDY
S/O LATE KONA SIVASHANKAR REDDY
AGED ABOUT 40 YEARS
R/AT NO.2-34, KONA UPPALAPADU
ANANTAPUR
ANDHRA PRADESH - 515408

ALSO AT
FLAT NO.F-8, NO.9/1
2ND FLOOR, 1ST CROSS
PRABHAVATHI SQUARE
REMESH REDDY LAYOUT
DC HALLI
BENGALURU - 560076

...PETITIONER

(BY SRI.SATISH G S, ADVOCATE)

AND:

UNION BANK OF INDIA
JAYANAGAR BRANCH
NO.429/31, 30TH CROSS
JAYANAGAR 4TH BLOCK
BENGALURU - 560011
REP BY ITS MANAGER

...RESPONDENT

(BY SRI.VIGNESH S SHETTY, ADVOCATE)

Digitally
signed by
CHAITHRA A
Location:
HIGH COURT
OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO THE RESPONDENT BANK STATING THE BANK TO RETURN THE ORIGINAL TITLE DEEDS / ORIGINAL DOCUMENTS PERTAINING TO THE SCHEDULE PROPERTY TO THE PETITIONER AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This Court finds, on a careful consideration of the material on record, that the conduct of the respondent-Bank is not only unjustified but also patently arbitrary. Despite the admitted position that the petitioner has fully discharged the entire housing loan liability, the Bank officials have compelled the petitioner to run from pillar to post for return of the original title deeds. The insistence on production of a Succession Certificate and particulars of legal heirs, in the facts of the present case, reflects a hyper-technical and mechanical approach, wholly divorced from settled legal principles. The stand taken by the respondent-Bank, under the guise of internal policy,



cannot override statutory provisions or result in deprivation of the petitioner's lawful entitlement to restoration of his title documents upon closure of the loan account.

2. The undisputed facts reveal that the petitioner and his wife had jointly availed the housing loan, though the petitioner alone was gainfully employed and has, after the unfortunate demise of his wife, single-handedly repaid the entire outstanding loan amount. The loan account having been fully settled as on 31.01.2024, the Bank's lien over the title deeds stood extinguished. In such circumstances, the continued retention of the original title documents by the Bank is wholly without authority of law. The objection raised by the Bank, predicated on the death of the co-applicant, is misconceived and untenable, particularly when the liability has been completely discharged by the petitioner, who is also a co-borrower.



3. This Court also finds considerable merit in the contention that the insistence on production of a Succession Certificate is legally untenable. Under Section 370 of the Indian Succession Act, 1925, a Succession Certificate can be granted only in respect of debts and securities, i.e., movable assets, and not in relation to immovable properties. The title deeds in question pertain to immovable property and were deposited merely as security for the loan. Therefore, the Bank's insistence on a Succession Certificate as a pre-condition for return of such documents is wholly misconceived and contrary to the statutory scheme. The petitioner has, in any event, furnished a Heirship Certificate, which sufficiently addresses any procedural concern, though even such insistence was unwarranted in the peculiar facts of the case.

4. Once the secured debt stands fully satisfied, the mortgage created by deposit of title deeds stands redeemed, and the Bank is under a bounden obligation to



forthwith release the security and return all original documents to the borrower. The failure to do so, coupled with the imposition of legally unsustainable conditions, amounts to gross deficiency in service and an abuse of dominant position by the Bank. The petitioner has been unnecessarily harassed and compelled to initiate legal proceedings to secure what is rightfully his, thereby incurring avoidable litigation expenses and suffering mental agony.

5. In the considered view of this Court, the present case warrants imposition of costs. The respondent-Bank, being a public institution, is expected to act fairly, reasonably, and in accordance with law. The unwarranted insistence on a Succession Certificate, contrary to the express provisions of Section 370 of the Indian Succession Act, and the unjustified retention of title deeds even after full discharge of the loan, demonstrate a lack of due diligence and accountability on the part of the Bank officials. Imposition of costs, therefore, becomes



necessary not only to compensate the petitioner for the hardship and litigation expenses suffered but also to ensure that such arbitrary practices are not repeated in future.

6. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is allowed.
- (ii) The respondent-Bank is directed to forthwith execute the necessary Discharge Deed and return all original title documents pertaining to the subject property to the petitioner.
- (iii) The aforesaid exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.
- (iv) The respondent-Bank shall pay costs of ₹10,000/- to the petitioner within a period of four (4) weeks from the date



NC: 2026:KHC:16928
WP No. 31410 of 2024

of receipt of a copy of this order and
file compliance.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 22