



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

WEDNESDAY, THE 25TH DAY OF MARCH 2026 / 4TH CHAITHRA, 1948

WA NO.619 OF 2026

AGAINST THE JUDGMENT DATED 16.02.2026 IN WP(C) NO.5856 OF 2026 OF
HIGH COURT OF KERALA

APPELLANT/PETITIONER:

HERROSE K.M.
AGED 65 YEARS
KOTTAMALIL, SANTHAMADHAVAM, PAREKKATTIL LANE,
ASOKAPURAM, ALUVA, PIN - 683101

BY HERROSE K.M. (PARTY-IN-PERSON)

RESPONDENT/RESPONDENT:

MANAGER
SOUTH INDIAN BANK, ALUVA BRANCH,
PRIYADARSHINI ROAD ALUVA EMAIL:
BR0002@SIB.CO.IN, PIN - 683101

SRI.SUNIL SHANKER, SC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10.03.2026,
THE COURT ON 25.03.2026 DELIVERED THE FOLLOWING:



JUDGMENT

Anil K. Narendran, J.

The appellant filed W.P.(C)No.5856 of 2026, invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking the following reliefs;

“(1) direct all banks to address summonses seeking litigant’s financial data with due diligence, seeking clarification on ambiguity, honouring privacy, relevant laws and judicial precedents;

(2) direct all registry staff of all courts in High Court’s territorial jurisdiction to strictly follow verification protocols and ensure that non-vakalath counsel do not “act or plead” in Court, honouring Order III Rule 4 of CPC;

(3) direct the respondent-bank to pay compensation to the petitioner, if this Hon’ble Court finds it just and reasonable, any amount at Court’s discretion, for the aforementioned constitutional violations of privacy breach and resulting mental agony, resulting physical agony and professional damage.

(4) allow such other reliefs, prayed later, as the case progresses.”

2. The Manager, South Indian Bank Ltd., Aluva Branch was arrayed as the sole respondent in W.P.(C)No.5856 of 2026. The appellant-petitioner is arrayed as the respondent in O.P.No. 344 of 2023 filed by his wife Padma G., before the Family Court, Aluva. The said original petition along with connected matters, i.e.,



O.P.Nos.356 and 359 of 2023 and M.C.No.69 of 2023, are now pending before the Family Court, Aluva, for joint trial. The grievance of the appellant-petitioner is that in the matrimonial case pending before the Family Court, Aluva, his wife obtained a summons from the said court to the respondent herein, who is the Manager of South Indian Bank Ltd., Aluva to provide his account details. According to the petitioner, the Bank provided his account details in violation of his right to privacy. Though account details sought for were for a period of three years, the Bank furnished account statement for a period of 11 years to the Family Court. Along with the writ petition, the petitioner has placed on record Ext.P1 list of witnesses filed by the petitioner in O.P.No.344 of 2023, with the endorsements made by the Family Court; Exts.P2 and P3 summons issued by the Family Court in O.P.No.344 of 2023; Ext.P4 deposition of the Manager, South Indian Bank Ltd., Aluva, who was examined as PW7 in O.P.No.344 of 2023; Ext.P5 reply dated 03.10.2025 obtained by the petitioner from the Public Information Officer, Family Court, Aluva, under the provisions of the Right to Information Act, 2005, based on his application dated 11.09.2025; Ext.P6 certified copy of B Diary proceedings in O.P.No.344 of 2023; Ext.P7 reply dated 13.05.2025 of the Branch



Operations Manager of South Indian Bank Ltd., Aluva Branch, to the request dated 24.04.2025 made by the petitioner under the provisions of the Right to Information Act, 2005; Ext.P8 reply dated 27.11.2025 received from the Public Information Officer of this Court to the request dated 28.10.2025 made by the petitioner; and Ext.P9 medical certificate dated 16.12.2021 issued to the petitioner.

3. Before the learned Single Judge, it was submitted by the learned counsel for the respondent Bank that the Bank provided the account details, which were required by the Family Court in the summons. If the petitioner has any complaint regarding the issuance of summons, he should have agitated the same before the Family Court itself. The petitioner has filed a complaint before the Consumer Disputes Redressal Commission, Ernakulam, alleging deficiency in service and claiming compensation from the Bank. After referring to Ext.P3 summons, it was pointed out that the account details of the petitioner from the year 2015 onwards were sought by the Family Court.

4. Having considered the rival submissions, the learned Single Judge by the judgment dated 16.02.2026 dismissed W.P.(C)No.5856 of 2026. Paragraph 4 of that judgment reads



thus;

"4. It is seen from the records as well as the averments in the Writ Petition that the Petitioner's grievance is regarding the furnishing of his account details by the Bank before the Family Court pursuant to the summons issued by the Family Court. In such case, it was for the Petitioner to approach either the Family Court or the Appellate Court challenging the issuance of the summons. When the Court summons details from the Bank, the Bank is bound to provide the same. The Bank cannot refuse to provide the account details on the ground that it would violate the right to privacy of the Petitioner. Even though the learned Standing Counsel for the Respondent pointed out that a case is filed before the Consumer Commission, the same is not disclosed in the Writ Petition. Prayer No.3 relates to the claim of compensation which the Petitioner has already claimed before the Consumer Commission. This Court, sitting under Article 226 of the Constitution of India, cannot consider the prayers of the Petitioner. Accordingly, this Writ Petition is dismissed."

5. Challenging the judgment dated 16.02.2026 of the learned Single Judge in W.P.(C)No.5856 of 2026, the appellant-petitioner is before this Court in this writ appeal, invoking the provisions under Section 5(i) of the Kerala High Court Act, 1958.

6. The appellant, who appeared in person, contended that the learned Single Judge dismissed the writ petition without properly appreciating the legal and factual contentions raised by



the appellant-petitioner and therefore, the impugned judgment dated 16.02.2026 of the learned Single Judge is liable to be set aside in this writ appeal. On the other hand, the learned counsel for the respondent-respondent contended that valid reasons have been stated by the learned Single Judge, in the judgment dated 16.02.2026, to dismiss W.P.(C)No.5856 of 2026. The reasoning of the learned Single Judge, which is neither perverse nor patently illegal, warrants no interference in this intra-court appeal.

7. As already noticed hereinbefore, the second relief sought for in W.P.(C)No.5856 of 2026 is an order directing all registry staff of all courts in the High Courts territorial jurisdiction to strictly follow verification protocols and ensure that non-vakalath counsel do not act or plead in court, honouring Order III Rule 4 of the Code of Civil Procedure, 1908. The statement of facts and grounds in W.P.(C)No.5856 of 2026 do not contain any pleadings and grounds in support of the aforesaid relief sought for, invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India.

8. In **Bharat Singh v. State of Haryana [(1988) 4 SCC 534]** the Apex Court held that, when a point which is ostensibly a point of law is required to be substantiated by facts, the party



raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he is the respondent, from the counter affidavit. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition or to the counter affidavit, as the case may be, the Court will not entertain the point. The Apex Court held further that there is a distinction between a pleading under the Code of Civil Procedure Code, 1908 and a writ petition or a counter affidavit. While in a pleading, i.e., a plaint or a written statement, the facts and not evidence are required to be pleaded, in a writ petition or in the counter affidavit not only the facts but also the evidence in proof of such facts have to be pleaded and annexed to it.

9. In **M/s.Larsen and Toubro Ltd. v. State of Gujarat [(1998) 4 SCC 387]** the Apex Court was dealing with a case arising out of the proceedings initiated for the acquisition of land for M/s.Larsen and Toubro Ltd. under the provisions of the Land Acquisition Act, 1894. The Apex Court noticed that, in the absence of any allegation that Rule 3 the Land Acquisition (Companies) Rules, 1963 had not been complied and there being no particulars in respect of non compliance of Rule 4 also, it is difficult to see as



to how the High Court could have reached the finding that statutory requirements contained in these Rules were not fulfilled before issuance of notification under Section 4 and declaration under Section 6 of the Land Acquisition Act. High Court did not give any reason as to how it reached the conclusion that Rules 3 and 4 had not been complied in the face of the record of the case. Rather, it returned a finding which is unsustainable that it was "not possible on the basis of the material on record to hold that there was compliance with Rules 3 and 4". The Apex Court held that, it is not enough to allege that a particular Rule or any provision has not been complied. It is a requirement of good pleading to give details, i.e., particulars as to why it is alleged that there is non compliance with a statutory requirement. Ordinarily, no notice can be taken on such an allegation which is devoid of any particulars. No issue can be raised on a plea, the foundation of which is lacking. Even where rule nisi is issued, it is not always for the department to justify its action when the court finds that a plea has been advanced without any substance, though ordinarily department may have to place its full cards before the court. On the facts of the case, the Apex Court found that the State has more than justified its stand that there has been compliance not



only with Rule 4 but with Rule 3 as well, though there was no challenge to Rule 3 and the averments regarding non compliance with Rule 4 were sketchy and without any particulars whatsoever. High Court was, therefore, not right in quashing the acquisition proceedings.

10. In **Narmada Bachao Andolan v. State of Madhya Pradesh [(2011) 7 SCC 639]** a Three-Judge Bench of the Apex Court held that, it is a settled proposition of law that a party has to plead its case and produce/adduce sufficient evidence to substantiate the averments made in the petition and in case the pleadings are not complete the Court is under no obligation to entertain the pleas. Pleadings and particulars are required to enable the court to decide the rights of the parties in the trial. Thus, the pleadings are more to help the court in narrowing the controversy involved and to inform the parties concerned to the question(s) in issue, so that the parties may adduce appropriate evidence on the said issue. It is settled legal proposition that as a rule relief not founded on the pleadings should not be granted. Therefore, a decision of a case cannot be based on grounds outside the pleadings of the parties. The object and purpose of pleadings and issues is to ensure that the litigants come to trial



with all issues clearly defined and to prevent cases being expanded or grounds being shifted during trial. If any factual or legal issue, despite having merit, has not been raised by the parties, the court should not decide the same as the opposite counsel does not have a fair opportunity to answer the line of reasoning adopted in that regard. Such a judgment may be violative of the principles of natural justice.

11. Viewed in the light of the law laid down in the decisions referred to supra, conclusion is irresistible that in the absence of proper pleadings in W.P.(C)No.5856 of 2026, in support of the second relief, the appellant-petitioner is not legally entitled for consideration of such a relief by this Court in exercise of the writ jurisdiction under Article 226 of the Constitution of India.

12. The first relief sought for in W.P.(C)No.5856 of 2026 is an order directing all banks to address summonses seeking litigant's financial data with due diligence, seeking clarification on ambiguity, honouring privacy, relevant laws and judicial precedents. The sole respondent in this writ petition is the Manager, South Indian Bank Ltd., Aluva Branch.

13. Rule 148 of the Rules of the High Court of Kerala, 1971 deals with addition of parties. As per Rule 148, all persons directly



affected shall be made parties to the petition. Where such persons are numerous, one or more of them may with the permission of the court on application made of the purpose, be impleaded on behalf of or for the benefit of all persons so affected; but notice of the original petition shall, on admission, be given to all such persons either by personal service or by public advertisement as the Court in each case may direct. As per the first proviso to Rule 148, where the State Government is a party, the Secretary to the Government Department concerned shall be arrayed as party representing the Government. As per the second proviso to Rule 148, if the subject-matter of the petition relates to two or more Government Departments or, if the petition is of such a nature, the disposal of which warrants information from two or more Government Departments, the Chief Secretary to Government and the Secretaries to those Government and the Secretaries to those Government Departments shall be made as party representing the Government.

14. In the absence of proper parties in the party array, the appellant-petitioner is not legally entitled for consideration of the first relief sought for in W.P.(C)No.5856 of 2026, in exercise of the extraordinary jurisdiction of this Court under Article 226 of the



Constitution of India.

15. The third relief sought for in W.P.(C)No.5856 of 2026 is an order directing the respondent-bank [Sic:respondent] to pay compensation to the petitioner, if this Hon'ble Court finds it just and reasonable, any amount at Court's discretion, for the aforementioned constitutional violations of privacy breach and resulting mental agony, resulting physical agony and professional damage. Though the third relief is sought against South Indian Bank Ltd., the Bank is not arrayed as a respondent in the writ petition. The third relief for payment of compensation is sought for in connection with the proceedings before the Family Court, Aluva in O.P.No.344 of 2023, which is one filed by the wife of the appellant-petitioner.

16. In the impugned judgment dated 16.02.2026, the learned Single Judge noticed that the grievance of the appellant-petitioner is regarding furnishing of his account details by the Bank before the Family Court, pursuant to the summons issued by the said court. In such a case, it was for the petitioner to approach either the Family Court or the Appellate Court challenging the issuance of summons. When the court summons account details, the Bank is bound to provide the same. The Bank cannot refuse



to provide the account details on the ground that it would violate the right to privacy of the petitioner.

17. Before the learned Single Judge, the learned counsel for South Indian Bank Ltd., for the respondent, pointed out that the appellant-petitioner had approached the Consumer Commission claiming compensation, which is not disclosed in W.P.(C)No.5856 of 2026. The learned Single Judge found that, sitting under Article 226 of the Constitution of India, the High Court cannot consider the prayers made by the petitioner.

18. During the course of arguments, it has come out that the orders passed by the Family Court allowing summons to witness was under challenge before a Division Bench of this Court in an O.P.(FC), invoking the supervisory jurisdiction under Article 227 of the Constitution of India, which ended in dismissal.

19. We notice that the order dated 12.06.2025 of the Family Court, Aluva in I.A.Nos.3, 4 and 5 of 2025 in O.P.No.344 of 2023 and the order dated 19.08.2025 in I.A.No.9 of 2025 in O.P.No.344 of 2023, which was one filed seeking review of the order dated 12.06.2025 in I.A.Nos.3 and 4 of 2025, were under challenge in O.P.(FC)No.570 of 2025 filed by the appellant herein. The said original petition ended in dismissal by the judgment



dated 06.10.2025. R.P.No.1412 of 2025 filed by the appellant herein seeking review of the said judgment dated 06.10.2025 also ended in dismissal by the order dated 27.10.2025. The appellant has chosen to invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India by filing W.P.(C)No.5856 of 2026, with unclean hands, suppressing material facts from the notice of this Court.

20. As stated by Scrutton, L.J, in **R. v. Kensington Income Tax Commissioners [(1917) 1 K.B. 486]**, an applicant who does not come with candid facts and 'clean breast' cannot hold a writ of the court with 'soiled hands'. Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction.

21. In **Prestige Lights Limited v. State Bank of India [(2007) 8 SCC 449]** the Apex Court reiterated that a prerogative remedy is not a matter of course. Therefore, in exercising extraordinary power, a writ court will indeed bear in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppress relevant materials or is otherwise guilty of misleading the court, the Court may



dismiss the action without adjudicating the matter. This rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.

22. In **Prestige Lights Limited [(2007) 8 SCC 449]** the Apex Court held further that, under Article 226 of the Constitution of India, the High Court is exercising discretionary and extraordinary jurisdiction. Over and above, a Court of Law is also a Court of Equity. It is, therefore, of utmost necessity that when a party approaches a High Court, he must place all the facts before the court without any reservation. If there is suppression of material facts on the part of the applicant or twisted facts have been placed before the court, the writ court may refuse to entertain the petition and dismiss it without entering into merits of the matter.

23. We deprecate in the strongest words, the conduct of the appellant-petitioner in invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with



'soiled hands', suppressing material facts from the notice of this Court.

24. In the above circumstances, we find absolutely no grounds to interfere with the impugned judgment dated 16.02.2026 of the learned Single Judge, whereby W.P.(C)No.5856 of 2026 filed by the appellant-petitioner was dismissed, declining the exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

In the result, this writ appeal, which is nothing but an abuse of process of the court, fails and the same is accordingly dismissed.

Sd/-
ANIL K. NARENDRAN, JUDGE

Sd/-
MURALEE KRISHNA S., JUDGE

bkn/-