



W.P(MD)No.6409 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.6409 of 2023

Erammal

... Petitioner

Vs.

The Branch Manager
State Bank of India,
Vadamadurai Branch,
Vadamadurai,
Vedasandur Taluk,
Dindigul District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus directing the respondent to call for the records relating to the respondent in his impugned order dated 04.03.2023 deceased settlement in Gold Loan A/c.39852622311 loan amount Rs.1,40,740/- and Gold Loan A/c.40131932888 loan amount Rs.90,700/- and quash the same and consequently directing the respondent to hand over the jewels to the petitioner.



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For Petitioner : Mr.V.Karuna

For Respondent : Mr.C.Karthick

ORDER

The late husband of the petitioner herein by name Ganesan, had obtained jewel loan from the respondent / Branch Manager, State Bank of India, Vadamadurai Branch, Veda sandur Taluk, Dindigul District. He unfortunately died on 16.05.2021. The petitioner took up the responsibility to repay the entire loan and had also repaid the entire loan and there is no dispute about that particular fact.

2. The petitioner was unfortunately inflicted with another tragedy. Her son Alagarsamy, who was working in Bangalore disappeared on 08.01.2007. He has not come back still. In that connection, an FIR in Crime No.7 of 2007 had been registered for the offence under Section 364(A) IPC on 10.01.2007 by the Hennur Police Station and charge sheet has also been filed before the jurisdictional Magistrate. Still the son of the petitioner had not been traced and is still



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missing. The petitioner now seeks return of the jewels from the respondent Bank. The respondent Bank seeks legal heirship certificate including about the details of the son. The petitioner cannot bring back her son, who has been missing from the year 2007.

3. Let an indemnity be obtained from the petitioner herein that she is receiving the jewels on behalf of all the legal heirs and thereafter, the respondent Bank, since the entire loan had been repaid, return back the jewels.

4. The petitioner may therefore, go over to the respondent branch on any date before 31.03.2023 and after identifying herself and present an indemnity as required by the Branch Manager.

5. A direction is given to the Branch Manager to return back the jewels and close the account. The Branch Manager may get in writing that if there are any claims made against the jewels, it is the petitioner alone who will be answerable and not the Branch Manager. The entire exercise must be completed on or before 31.03.2023.



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6. With the above directions, the writ petition stands allowed. No costs.

24.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
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C.V.KARTHIKEYAN, J.

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